To be bound with S Dwr 1,2,3,4,5 & 7 of 1943

1943.

File No. S Dwr 6/43

Examined
21.8.1955

Legal DEPARTMENT

A BRANCH

Subject:— Suits Dharwar

Civil Suit Nos. 323 to 335 of 1942 and 348, 349 of 1942 and 365, 366 of 1942

v/s

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

P. 128 K/E

File No. S Dwr 6/43

Std. Scott. Slip 24-B

C O N T E N T S

Fiel No. S. D W R 6/43

Sr. No.	Compilation No.	Subject	Pages
		Dharwar Suits C.S. Nos. 323 to 335 of 42. 348,49 of 42 & 365,366 of 1942.	
1.	L.D. Printed G,R.No. 3716 20.5.43	For declaration of the rights of duty allowance as illeged. and unjustified. Sanctioning the defend the suits	33
2.	L.D.G.R. 3994 5-6.44	Recording the result of the suits	123

Ex 13/4

Below No.Mun.S.R.-411 dated the 8th February 1943, from the Collector, Dharwar.

No. 91

Dharwar 10th February 1943.

Returned with compliments:-

2. While returning all the papers for being submitted to the Legal Department for obtaining sanction for the defence of the suits, I may invite your kind attention to the fact that the plffs in the various suits have produced in the court postal acknowledge--ment receipts dated 23-12-1941 for having sent the notices to the Collector,Dharwar, by registered post as required by section 80 of the Civil Procedure Code. As the same are not received in this office, I would request that a through search may kindly be ordered to be made in your office in this respect once again, and if traced they may please be included among these papers.

S R [illegible]

District Government Pleader.

No.MUN.3R.411 Dharwar, 16th February 1943.

Submitted to the Government of Bombay in the Legal Department.

2. The Director of Public Instruction states that the facts as detailed in the chronological statement by the District Government Pleader are correct and the action of the Local Authority is strictly in conformity with the provisions of Section 8(2)(b) of the Primary Education Act. The defence of the suit may be sanctioned.

Collector of Dharwar.

3B.

1567
22-2-43

No. 36 K
Dharwar 20 January 1943.

3

From

Rao Bahadur B.S. Sawkar, LL.B.,
District Government Pleader,
Dharwar.

To

The Collector of Dharwar,
Dharwar.

Subject:- Dharwar L.C.Suit Nos:323 to 335, 348,349,365 and 366 of 1942, filed by Primary teachers Re-attendance allowance.

Sir,

With reference to your No.N.V.N.-I-R.411 dated the 30th December 1942, I have the honour to state that plaintiffs in the above suits have produced acknowledgement of receipt of the notices given to the Collector on 23-12-1941 under Sec.80 C.P.C.in court.

It is learnt from Mr.D.R.Kulkarni pleader for the plffs that the notices in question have been sent from your office to the Director of Public Instruction, for further action under Rule 118 of the Law Officers Rules. It is submitted, therefore, that arrangements may kindly be made to call for the said notices and to include them among the accompany--ing papers.

JAN 21 1943

Your obedient servant,
S.B. Sawkar
District Government Pleader

No Dy. M. 411

Dharwar 26 Jan

Forwarded with compliments to
Director of Public Instruction, B.P
Poona

2. The notice given by the plaintiff school master may please be included among the accompanying papers and the papers returned with his remarks for submission to the Remembrancer of Legal Affairs.

for Collector of Dharwar

30/1/43.

28. JAN. 1943
No 28396
File No. S-84 (e) 534 (1).
28/1

No. 944

Dharwar 22nd December 1942.

From

Rao Bahadur B.S.Sawkar, LL.B.,
District Government Pleader,
Dharwar.

To

The Collector of Dharwar,
Dharwar.

Subject:-Dharwar Civil Suits Nos.323 to 335, 348, 349, 365 and 366 all of 1942. Re- claim of Primary School Teachers to attendance allowance.

Sir,

I have the honour to invite your kind attention to your No.Mun.S.B.411 of 12-11-1942 and to request you to kindly arrange to send notices of suits under Sec.80 C.P.C. given by the plaintiffs to the Collector, at a very early date, in order to enable me to submit the usual reports under Rule 118 of the Law Officers Rules.

Your obedient servant,

District Government Pleader.

NO. DUK-1R-411 Dharwar 30/12/4

Returned with compliments.

2. The notices given by the said plaintiffs are not traced. ~~If they~~ have produced the acknowledgments from this office, the number & date thereof ~~&~~ may please be given.

[illegible]

for Director

[illegible]

No. 29 20/5

Dharwar 8th January 1943.

From

Rao Bahadur B.S.Sawkar, LL.B.,
District Government Pleader,
Dharwar.

To

The Remembrancer of Legal Affairs,
Bombay.

Subject:-Dharwar Civil Suits Nos.323 to 335,34
349, 365 and 366 of 1942.

Sir,

In accordance with rule 118 of the Law Officers Rules, I have the honour to submit herewith chronological statement of facts, grounds of defence and draft written statements in respe of the above suits, along with the papers pertaining to these suits for favour of perusal and further necessary action. The copies of plaint in Kannad (in all seventeen) have also been submitted herewith. As the contentions in all the suits are almost similar, only one plaint in L.C.Suit No.323 of 1942 has been translated into English, and attached hereto.

1. The suits are numbered as L.C.Suit Nos.323, to 335, 348 349, 365 and 366 of 1942 of F.C.Court, Dharwar.

2. Names of the plffs in the above suits are as under:-

L.C.Suit No.323/42, Chennayya Chenaveerayya Hiremath of Dharwar.
" " " 324/42, Annaji Narasinha Nariboli of Do.
" " " 325/42, Fakirayya Basayya Chikkmath of Do.
" " " 326/42, Yashodabai kom Cumant Bhaskar of Do.
" " " 327/42, Karavirappa Basappa Hummigatti of Do.
" " " 328/42, Savitrevva kom Rudrayya Hosamath of Do.
" " " 329/42, Kallavva kom Lallappa Leti of Do.
" " " 330/42, Rango Ramachandra Katti of Do.
" " " 331/42, Basappa Ulavappa Bellakki of Do.
" " " 332/42, Hanamantappa Fakirappa Sunagar of Do.
" " " 333/42, Ramachandra Venkatesh Puranik of Do.
" " " 334/42, Dhondubai Basavantrao Chavan of Do.
" " " 335/42, Jainabbi kom Padarsaheb Babarchi of Do.
" " " 348/42, Sushilabai Luttalgeri of Do.
" " " 349/42, Narayan Swamirao Chitguppi of Do.
" " " 365/42, Girijabai kom Gangadharrao Kamkar of Do.
" " " 366/42, Nagappa Laxmappa Dharwadkar of Do.

Vs.

Defts:- 1. Dharwar Muncipal Borough, through its Chief Offic
2. The Local Authority Muncipal School Board, throug its chairman.
3. The Administrative Officer, Local Authority, Muncipal School Board, Dharwar.
4. The Province of Bombay.

3. The valuation of each suit is Rs.65/-

4. Notice of suit under Section 80 of the C.P.C. is sai given. But they are not ~~xxxxx~~ amongst the accompany

papers the endorsement of the Collector of Dharwar, dated 30-12-1942, below letter No.944 of 22-12-1942 from the District Government Pleader, Dharwar, is enclosed herewith for favour of perusal. The Collector is however requested to include the same among the papers in case they are found in his office on search once again. The plffs' no have produced the acknowledgment of the receipt of notices in Court.

5. It is submitted, therefore, that the Government may be moved to accord sanction to the defence of the suits in question with such additions and alterations as may be deemed fit at an early date.

Your obedient servant,

S R Mulchandani

for District Government Pleader.

Respectfully submitted through the Collector of Dharwar, in accordance with Rule 119 of the Law Officers' Rules, for favour of necessary action.

S R Mulchandani

for District Government Pleader.

#9

L.C.Suit Nos.323 to 335 of 1942.

L.C.Suit Nos.348,349, 365 & 366 of 1942

In the Court of the First Class Sub-Judge,

at Dharwar.

Chronological Statement of facts.

1. These are Seventeen suits filed by the teachers in the primary schools under the administration of the School Board of the Dharwar Muncipal Borough, for (1) a declaration that the right of the plaintiffs to the attendance allowance withdrawn from the 1st December 1930 by the defts 1 and 2 in (S.B.R.No.582/1 dated 11th February 1931) & (in Mun.G.C.R. No.190 dated the 1st April 1931 and confirmed in G.R.E.D. No.572(59) dated the 15th December 1931, still subsists, as the actions of defts in that respect taken as mentioned above, is ultra vires, illegal and unjsutified; (2) for taking - accounts of the amount due to plffs on the basis that declarat -ion from 1-12-1930 upto date of the suits; & (3)a declaration for recovery of such amount found due with future interest & costs.

2. The history of service of each of the plff, as a primary teacher is given in the plaint, and also in schedule 'A' attached herewith.

3. On the 24th March 1924 Government in the Education- -al Department were pleased to pass a resolution (G.R.E.D. No.560)to the effect that they were pleased to sanction the scheme for the revision of the pay of primary school teachers, subject to the ~~marks~~ remarks made in para 2 of the resolution i.e. the proposal to grant Head Teachers' allowances based on average attendance was represented to Government to be - altogether not satisfactory, and therefore the feature of the scheme was directed by Government not to be brought into - effect pending the final decision of Government in the matter.

Further on the 10th March 1926, the Government in the Educational Department were pleased to direct as per G.R.E.D. No.560 that duty allowance (termed as special pay) should be

P3 filed

granted on the lines suggested by the Surve Committee in para 2 of their report, instead of on the lines indicated in the original scheme appended to G.R.E.D.No.560 of 24th March 1924. Government were pleased to direct further that the allowances should be - calculated on the basis of the average attendance for 2 years ~~in~~ instead of 1 year, as previously proposed and should be granted with effect from ~~X~~ 1st March 1923.

4. The plaintiffs in these 17 suits contend that each of them was entitled under the above mentioned Government orders to attendance allowance and did receive such allowance till 1-12-1930. They complain that such allowance was stopped since the 1st Dec. 1930 by defts 1 and 2 i.e. the Dharwar Muncipal Borough, and the Muncipal School Board and that the action of the defts 1 and 2 in stopping the attendance allowance was not supported by previous sanction of Government and was unauthorised, illegal and unjusti--fied.

5. On the 29th March 1926 Government (in the Educational Department) resolved that the revised rates of Head-Master's allowances recommended by the Surve Committee should take effect only from 1st April 1925.

G.R.E.D. No.560 of 29-3-1926. P4 file

6. On 21st June 1926 Government in their Educational Department resolved that the Director of Public Instruction should be informed that duty allowances on the lines indicated in paras 2 and 11 of the scheme appended to Government Resolution (E.D.) No.560 of 24-3-1924 should be paid for the period of 2 years from 1st March 1923 to 28th February 1925 (both days inclusive) and that the revised rates of these allowances recommended by the Surve Committee should be paid with effect from the 1st April 1925 (i.e. with the pay for March 1925).

G.R.E.D. no 5[illegible] of 21/6/1926 P4 file

7. On 12th November 1930 Government in the Educational Department (G.R.E.D. No.S.72) were pleased to announce that they would raise no objection if any local authority wished to withdraw duty allowances after 1st December 1930 (in view of the fact that the local authorities were dissatisfied with the system and - representations were made to Government that such allowances - did not fulfil their purposes. Government made it clear, however, that they would not be prepared to consider any proposals for the

P6 file G.R.E.D. No 72 of 12/11/30

grant of consolidated scales of pay in excess of those laid down in G.R.E.D.Nos.560 of 24-3-1930 and No.-S.72 of 12-7-1929, but in special cases, where the comparitively high costs of living justified such a step, Government did not refuse to consider their merits, proposals for the grant of Local - allowances in addition to their maximum scales of pay.

8. On 11th February 1931, the School Board, L.A. Muncipality Dharwar, resolved in its No.S.B.R.582/1 that the system of payment of attendance allowances was positively harmful and mischievous to the primary education and recommended to the Muncipality that its considered opinion was that the said system of Head-masters' and Assistants' allowances should terminate from the 1st December 1930, and that the local - authority should terminate the same on or from that date under the option given by the G.R.E.D.No.72 dated 12th November 1930. The School Board further recommended that efficiency allowance may be paid to those teachers who showed specially good work.

P7 file

9. On the 1t April 1931, the Dharwar Muncipal Borough resolved in G.C.R.No.190 that as recommended by the School - Board in para 13 of their resolution No.582/1 of 11th Feb. 1931 (mentioned above), the Head-masters' and assistants' allowances ~~mentioned above~~ to teachers under this local authority be - abolished from 1-12-1930 under the option given by G.R.E.D.No. S-72 of 12-12-1930.

P8 file

10. On the 17th April 1931 Government in the Educational Department (G.R.E.D.No.S.72) were pleased to resolve that the D.P.I. should be informed that local authorities should obtain the previous sanction of Government to proposals for discontinuance of the payment of Head-master's and 1st Assistant's - allowances to primary teachers. (This resolution was passed on a reference made by the D.P.I. who invited the attention of Government to proviso (b) to section 8(2) of the Bombay Primary Education Act.

P5 file

11. On the 15th December 1931, Government in the Educational Department (G.R.E.D.No.72(59) resolved that the proposal of the Dharwar Muncipality to discontinue with effect from 1st December 1930, payment of Head-master's and 1st Asst.'s

P9 file

allowances to all its primary ~~teachers~~ school teachers, was sanctioned.

12. On 23-8-1941 the School Board, L.A. Muncipality, Dharwar (deft 2) passed a resolution (S.B.R.No.356) in view of the D.P.I.'s letter No.S.84(e)-78-IIID of 9th August 1941 and confirming the action taken by the School Board and the Local Authority in pursuance of the following Government resolution with retrospective effect. P 10 file

(I). G.R.E.D.No.S.72(59) dated 15-12-1931 regarding abolition of attendance allowances of Head-masters and ~~Asst~~ 1st Asst. masters, as per S.B.R.582/F dated 11-2-1931 and G.C.R.No.190 - dated 1-4-1931 with effect from the 1st December 1930.

(II), G.R.E.D.No.S.86(59) dated 6th October 1933 retrenchment ~~cuts~~ cuts in pay and compulsory retirement of teachers as per S.B.R.No.162/5 of 14-6-1933 and G.C.R.No.22/31-3-1922 140 of 15-6-1932 and 95 of 28-7-1933 with effect from 1st Dec. 1931.

13. On the 27th November 1941 the Dharwar Muncipal Borough Dharwar (deft No.1) in its G.C.R.No.251 approved the above mentioned School Board Resolution No.356 of 23-8-1941. P 11 file

14. On 22-12-1941 the plaintiffs gave notice of suit under Sec.80 C.P.C. P 14-15 file

15. In August 1942, the plffs filed the present suits - praying for (1) a declaration that the rights of plffs to the attendance allowance withdrawn with effect from the 1st Dec.1930 by the defts 1 and 2 (as stated in para 1 above) still subsists, the action of the defts in that behalf being ultra vires, illegal and unjustified (2) for taking of accounts of the amount due to the plffs on the basis ~~that~~ from 1-12-1930 to the date of suit & (3) for a decree for recovery of such amount found due with interest thereon and costs.

---- ----- -----

F
13

GROUNDS OF DEFENCE.

Cause of action.

I. The points taken by plffs in the notice of suit regarding the illegality of the action in the matter of stopping the attendance allowance are:-

(1) Contractual relation between plffs and Government.... Services regulated according to the Civil Service Regulations.

(2) Government had sanctioned the pay and duty allowance according to some scale before they were transferred to Muncipal service.

(3) Neither the Muncipality nor Government had any right to abolish or sanction ~~xxxxxx~~ abolition of duty allowance on account of contractual relationship and Civil Service regulations.

(4) Sanction obtained by Muncipality, if any, is not according to law and the action of the Muncipality is not supported by previous sanction of Government.

(5) The proposals of the L.A.Muncipality of the School Board for abolition of attendance allowance are on certain conditions and the Government have sanctioned the same subsequently and therefore, the Muncipality should have reconsidered the matter once again. This has not been done. Even the conditions laid down by the Muncipality and the School Board and approved by the Muncipality have not been carried into effect.

(6) The plffs continue to be still "Lent servants" of Govt and are, as such entitled to the allowance.

(7) The plaintiffs' rights in respect of pension have been effected by illegal abolition of allowances.

In the plaint plffs only contend that no previous sanction of Government has been obtained to the action in respect of abolition of allowances taken by the defts 1 and 2.

On 6th March 1940, the High Court decided the Second Appeal No.102 of 1938 from the appellate-decree in Civil Appeal No.13 of 1937 of Surat District Court,

that there was no previous sanction of Government to the action regarding abolition of allowances taken by the Committee of - management of Surat Muncipal Borough, and therefore, the High Court decided in favour of plff therein giving a declaration that he was entitled to duty allowance.

Plffs seem to rely upon this decision and contend that in these cases also there is no previous sanction and any action taken by the Muncipality after the High Court judgment referred to above, cannot affect plffs' rights.

In the first place, assuming plffs continue to be Govt. servants after their transfer ~~from~~ to the Muncipal service, it must be contended that there is no contractual relationship - between plffs and Government. All Government ~~xxxxxxx~~ servants hold their posts during the pleasure of Government (Please Vide Section 96 B of Government of India Act 1915 & sec.240 & 241 of the Government of India Act, 1935). The rules framed by the - Secretary of State for India or by any other authority under Sec. 96 B relating to the conditions of service, pay, allowances, etc. of Government servants, do not form a contractual relationship between the crown and its servants, but they are mere directions given by the crown to the administrative authorities for their general guidance. If the plffs are aggrieved by the action of the Muncipality, the proper remedy for them appears to be by administrative process and not by law suits (39 Bom.L.R.P.C. P.699 R. Venkatrao Vs. The Secretary of State for India in Council). The plffs ought to have approached the Commissioner and Government who control the Muncipal Boroughs under the Muncipal Borough Act and get their grievances redressed. They do not appear to have - done so in these cases. They have, therefore, no cause of action against Government . Plffs, however, after their transfer to the Muncipal service appear to be no longer Government servants. They will be muncipal servants and their rights and liabilities are governed by the Muncipal Act.

X. Plea - Cl. 10 H1 for further grounds of Defence on technical grounds.

V On merits.

The plaintiffs complain that the action of the local authority in actually abolishing the attendance allowances on the

ist December 1930, as resolved in G.C.R.No.190 dated 1st April 1931, is not supported by previous sanction of Government. It was on the 15th December 1931 that Government in G.R.E.D.No. S.72(59) were pleased to accord sanction to the proposal of the Dharwar Muncipality to discontinue with effect from 1st December 1930 the payment of Head-master's and 1st Asst.'s allowances to all its primary school teachers. The plffs contend that after the passing of this G.R.E.D., the Muncipality and the School Board should have reconsidered their proposal to abolish the allowances and resolved the abolition in a properly constituted meeting of their Board. But as a matter of fact the Muncipality and the School Board considered their proposals of abolition of allowances as late as in 1941 (Please Vide S.B.R. No.356 of 23-8-1941 & G.O.C.R.No.251 of 27-11-1941). Plffs contend that the defts Nos.1 and 2 i.e. the Muncipality and the School Board had actually stopped the payment of allowances to plffs before the passing of G.R.E.D. of 15th December 1931 and contend that this is illegal in view of the provisions of section 8 of the Bombay Primary Education Act No.IV of 1923. They seem to rely on the High Court's judgment in the Surat case mentioned above. The plffs also contend that the resolutions of 1941 passed by the Muncipality and the School Board, after the judgment of the High Court came to their notice, cannot have the effect of validiating their action of actual abolition of allowances before 15th December 1931 on which date Government gave sanction to the proposals of the Muncipality. It may be urged in reply that in this case, the Government resolution - dated 15th December 1931 which sanctioned the proposal of deft No.1 to stop the payment of allowances to plffs, was considered by the School Board (deft No.2) and the Muncipality (deft No.1) in 1941 by their resolutions S.B.R.No.356 of 23-8-1941 and G.C.R No.251 of 27th November 1941. By these resolutions the actio taken by them in respect of terminating the allowances with retrospective effect were confirmed. It appears that there is nothing illegal in this. The Government resolution of 15th Dec. 1931 was reconsidered by the defts 1 and 2 as per D.P.I.'s

letter No.584(E)-78-III(d)-D of 9th August 1941. Anyhow it is clear that the defts reconsidered this Government resolution on the 15th December 1931, priot to the notice of suit under Section 80 of the C.P.C. given on behalf of the plffs on - 22-12-1941. And before this notice was given, the plffs do not appear to have raised any complaint. In surat case there was no evidence to show that the committee ever considered the matter of non-payment of allowances after the sanction of Government was obtained.

(Schedule 'A').

The history of each plff as a primary school teacher as stated in the several suits is ~~as~~ shortly stated as follows:-

1. Plff in L.C.Suit No.323/1942, (1) Entered Government service as a primary teacher in 1912. In 1923 his services were transferred to the Muncipal School Board under the Dharwar Muncipal Local authority.

   (2) Third year training completed.
   (3) In 1923 I Assistant teacher.
   (4) In 1923 August promoted as Head-master.

2. Plff in L.C.Suit No.324/1942,
   (1) Entered Government Educational service in 1915 as a primary school teacher.
   (2) Services transferred to Dharwar Muncipality School Board in 1923. Made permanent.
   (3) III year training completed in 1919.
   (4) Promoted to the post of Head-master in 1929.

3. Plff in L.C.Suit No.325/1942,
   (1) Entered Govt. Educational service as primary teacher in 1916.
   (2) Services transferred in 1923 to the Dharwar Muncipal School Board. Made permanent in 1923.
   (3) III Year training completed.
   (4) Since 26th August 1937 Head-master.

4. Plff in L.C.Suit No.326/1942.
   (1) Entered Government Educational service (Ed.Dept.) 1918.
   (2) Services transferred in 1923 to the Dharwar Mun. S.B..
   (3) III year training completed in 1918 & made permanent (1923).
   (4) 1927 - Assistant Mistress.
   (5) 1932 - Head-mistress.

5. Plff in L.C.Suit No.327/1942.
   (1) Entered Government Educational service 1919.
   (2) Services transferred in 1923 to Mun.S.B.Dharwar

(3) II year training completed in 1918 and III year training completed in 1921 (1923).
(4) In 1932 - Head master.

6. Plff in L.C.Suit No.328/1942:-

(1) Entered Govt.Educational service in 1912.
(2) Services transferred in 1923 to the Mun.S.B. Dharwar.
(4) I year training completed.
(5) Assistant mistress since 1936 for 7 months, for 14 months since July 1939 & till now since August 1941.

7. Plff in L.C.Suit No.329/1942:-

(1) Entered Govt.Educational service 1913.
(2) Transfer of services in 1923 to the Mun.S.B. Dharwar.
(3) Passed II year training 1911 and III year training in 1921.
(4) Made permanent prior to 1923.
(5) Head mistress since 1924.

8. Plff in L.C.Suit No.330/1942:-

(1) Entered Govt.Educational service 1909.
(2) Transferred his services in 1923 to The Dharwa Mun.S.B.
(3) Passed II year training in 1907 & III year training 1915.
(4) Made permanent prior to 1923.
(5) Asst.Master in 1926 and Head Master since 1927

9. Plff in L.C.Suit No.331/1942:-

(1) Entered Govt.service 1917.
(2) Transfer of services in 1923 to Mun.S.B.
(3) Passed II year training 1917, & III year training 1921.
(4) Made permanent prior to 1923.
(5) Head master since 1934.

10. Plff in L.C.Suit No.332/1942:-

(1) Entered Govt.Educational service 1912.
(2) Services transferred to Dharwar Mun.S.B. 1923.
(3) Passed II year training 1916 & III year training in 1920.
(4) Made permanent prior to 1923 & Head master since 1926.

11. Plff in L.C.Suit No.333/1942:-

(1) Entered Govt.Educational service 1915.
(2) Services transferred to Mun.S.B.Dharwar in 192
(3) Passed III year training in 1920., made permanent prior to 1923.
(4) I Assistant teacher 1927, Head master in 1932 and also at present.

12. Plff in L.C.Suit No.334/1942:-

(1) Entered Govt.Educational service 1923.
(2) Transfer of service 1923 to Mun.S.B.Dharwar.
(3) Passed I year training in 1921. Made permanent prior to 1-6-1923.
(4) I Assistant mistress since 1923.

13. Plff in L.C.Suit No.335/1942:-

(1) Entered Govt.Educational service 1920.
(2) Transfer of services in 1923 to Dharwar Mun.S.B
(3) Passed I year training and made permanent prior to 1923.

14. Plff in L.C.Suit No.348/1942:-

(1) Entered Govt.Educational service 1919.
(2) Transfer ~~of services~~ in 1923 to Dharwar Mun.S.B.
(3) Passed I year training 1919 & II year training 1921. Made permanent prior to 1923.
(4) I Assistant mistress since 1923.

15. ~~Plff in L.C.~~Suit No.349/1942:-

(1) Entered Govt.Educational service 1915.
(2) Transfer ~~of services~~ in 1923 to Dharwar Mun.S.B.
(3) Passed II year training, made permanent prior to 1923.
(4) I Assistant teacher in 1927 and became Head master in 1929. Since 1936 I Assistant master.

16. Plff in L.C.Suit No.365/1942:-

(1) Entered Govt.Educational service 1911.
(2) Transfer ~~of services~~ in 1923 to Dharwar Mun.S.B.
(3) Made permanent in 1911.
(4) Certified by the Educational Inspector S.D., as a qualified teacher.
(5) Head mistress since 1924 up-til-now.

17. Plff in L.C.Suit No.366/1942:-

(1) Entered Govt.Educational service 1921.
(2) Transfer ~~of services~~ in 1923 to Dharwar District Local Board school.
(3) Passed II year training in 1921 & made permanent prior to 1923.
(4) In 1926 services transferred from D.L.B. to Dharwar Mun.S.B. as per latter's request.
(5) Since 1929 working as Head master.

Grounds of defence continued

II Party:-

In this case, the Government does not appear to be a necessary ~~party~~ or proper party. It is true that the plffs have ~~asked for~~ prayed for the reliefs of (1) declaration that the action of the defts 1 and 2 in terminating the payment of allowance based upon Government sanction and resolution of 12th November 1930, is illegal and ultra vires and for (2) accounts of the amount due to plffs. But it is the defts 1 and 2 who are solely responsible for stopping the payment of such allowance, and in case plffs succeed, it would be the defts 1 and 2 who would be liable to render accounts of the amount due to plff and make the payment of the amount found due. The plffs, after their transfer to the Muncipality would appear to be Muncipal servants and their rights and liabilities would be governed by the Muncipal laws.. Government have given by their resolution of 12th November 1930 an option to the Local Authority

to stop the allowances in question. It was open to the Local authority to stop the payment or not. It cannot be said that Government is directly responsible for the non-payment of allowances. It is true also that in the Surat Muncipality case, ~~the Muncipality~~ that was decided by the High Court (S.A.No.102 of 1938), Government was made a party, But in that casethe Muncipality has been disolved under section 219 of the Muncipal Boroughs Act and a committee of management had been appointed by the Commissioner and the Muncipality was in effect vested in Government. The Surat case is therefore distinguishable. Under the circumstances, it may be contended that Government is not a necessary or a proper party to the suits in question.

(III) Bar of Pensions Act, Sec.4:-

On the allegation made in the plaint, plaintiffs continue to be Government servants. If the plffs contend that Government is responsible for payment of the attendance allowan--ces, then the claim would be in respect of cash allowances payable from the treasury.

(IV) Limitation:-

The suitsfor declaration and accounts are barred by Limitation under Article 120 of the Limitation Act. The cause of action arose at the latest on the 1st April 1931 or 15th Dec. 1931 when the Muncipality decided by its resolution G.C.R.No. 190, the plffs' right to the allowances or when the Government sanctioned the proposal of the Muncipality to stop the allowance.

DRAFT WRITTEN STATEMENT.

1. Plff has no cause of action against this deft and his suit is not maintainable in law.

2. After his transfer in 1923 to the Muncipality, plff is no longer a Government servant; but he is a Muncipal servant and his duties, liabilities and rights are governed by the Muncipal Law and rules. Assuming but not admitting plff is a Government servant, the allegation that contractual relationship exists between plff and this deft is denied. Plff as Government servant holds his post during the pleasure of Government and as such, his remedy would be by administrative process and not by a

a law suit.

3. The Civil court has no jurisdiction to entertain the plff's suit in respect of the attendance allowances claimed by him.

4. Plff's suit is further barred by section 4 of the Pensions Act.

5. The plff's suit is barred by Limitation under Article 120 of the Indian Limitation Act.

6. ~~The deft is~~ This deft is neither a necessary nor a proper party to this suit.

7. It is true that in March 1926 Government resolved that allowances should be paid to Head masters and I Assistants. But in view of the general dissatisfaction expressed by the Local authorities, regarding the system of payment of attendance allowances to the Head masters and the I assistants, Government further resolved in November 1930 that they would raise no - objection if any local authority wished to withdraw the allowances sanctioned from ~~I~~ 1st December 1930. In 1931 defts 1 and 2 submitted proposals to Government for sanctioning the abolition of payment of allowances to the Head masters and the ~~1st~~ I Assts. with effect from 1st December 1930. In 15th December 1931 Govt. were pleased to accord sanction to the proposal of the said defts. Government however is not responsible for the actual abolition.

8. The power to terminate the allowances with the previous sanction of Government vested in defts 1 and 2 and they have duly terminated the same by proper resolutions in that behalf.

9. The action of this deft in sanctioning the abolition of the allowances by its resolutions, is intra vires and justified. It is not ultra vires, ~~x~~illegal as contended by plff.

10. The allegations in plaint paras 1 to 4 are not admitted except that plff's services were transferred to the local authority (defts 1 and 2).

11. Plff's suit should be dismissed with costs.

Copy of the plaint-translation. 21

L.C.Suit No.323 of 1942.

In the court of the First Class Sub-Judge,
at Dharwar.

Plff:-Chennayya Chanaveerayya Hiremath, age 51, Lingayat, - occupation teacher of Dharwar.

Vs.

Deft:1.The Dharwar Muncipal Borough, through its Chief Officer.

2. The Local Authority Muncipal School Board, through its Chairman.

3. The Administrative Officer, Local Authority Muncipal School Board, Dharwar.

4. The Province of Bombay.

Claim Rs.65/- for court-fees and jurisdiction.

Plaintiff's suit is as under:-

1. Plaintiff was appointed as a primary teacher in the year 1912 in the Educational Department, Bombay Government. Afterwards, in the year 1923 or so the plaintiff was transferred to the Local Authority, Dharwar Muncipal School Board, along with other teachers. Not-with-standing their transfer they are - entitled to all the rights and previleges of Government servants.

2. Plff has passed the third year training course and was confirmed before 1923 as a Kannad teacher. He was 1st Assistant in the year 1923; then he was appointed as Head Master in August 1923, and since then he is serving in that capacity. The plff was getting attendance allowance every month along with his pay as per Government Resolution, Educational Department, No.560 of 24-3-1924 for having served as 1st Assistant teacher, and - there-after as Head-master in the year 1923. Plff used to get the allowance even after his transfer to the Muncipality from the service of defts 1 and 2. He was also getting additional - allowance as per G.R.E.D.No.560 of 10-3-1926 and 21-6-1926.

3. Since 1-12-1930 defts Nos.1 and 2 have discontinued the payment of attendance allowance to the plff. They are not legally allowed to do so, as they have have not obtained the

previous sanction of the Government for the same. Thus this actt of the defts is clearly unjustified, unlawful illegal and ultra vires. The plff is, therefore, not bound by this illegal order which has been made without the previous sanction of the Government. So, plff is entitled to receive the attendance allowance due from 1-12-1930 in accordance with the above Government Resolution from defts who have illegally stopped payment of it.

4. The attendance allowance was increased or decreased from time to time in proportion to the attendance of the boys in the school. The plff ~~xxxxxxxxxxxx~~ cannot definitely state as to the exact number of boys who attended the school from time to time during his period of service. It is, therefore, not possible possible for him to say at this stage specifically the amount he is entitled to get by way of attendance allowance. Plff has filed this suit praying that he is entitled to the attendance allowance, that accounts should be ordered to be taken from defts Nos.1 and 2 and that such amount as may be due to the plff in respect of the attendance allowance, on taking accounts should be awarded to him with interest.

5. Cause of action for the suit accrued from time to time when the payment of attendance allowance was abolished illegally and unlawfully. This right of plff is a periodically recurring right. The suit is, therefore, in time as it has been instituted for the adjudication of this right.

6. The abolition of the payment of attendance allowance by the defts is clearly illegal and unlawful and it is not at all in accordance with the provisions of the Muncipal or Primary Education Act. Although it is not necessary to give notice to the defts regarding the institution of the suit, a notice has been given to them (defts 1 to 4) on 22-12-1941 with a view that the suit should not be bad for technical defects.

7. Plff is said to be the servant of deft No.2. The payment of salary and allowance is made by deft No.2 through deft No.3. It is learnt that deft No.2 had suggested to abolish the payment of ~~all~~ attendance allowance and deft No.1 agreed to this proposal and resolved that payment of the same should be stopped. As deft No.1 has got powers either to increase or decrease the pay and allowance, it has been made a party to this suit. Deft No.3 has been impleaded as a party as they

it is responsible to pay a part of the salary and allowance and has got powers to accord sanction to the payment of enhanced or diminished ~~salary~~ allowance.

8. As the suit is for declaration and consequential accounts, court-fee stamp of Rs.5/- is paid. As regards jurisdiction the valuation of the suit is Rs.65/-.

9. Plff and defts 1,2 & 3 reside within the jurisdiction of this court and the suit transaction has also been taken place within this court's jurisdiction. So, this court is competent to try this suit.

10. Plff's prayer:-

A) As the act of abolition of attendance allowance is illegal, unlawful, unjustified and ultra vires, plff has not lost the right to recover the same from the defts. The court may be pleased to declare that this right still exists.

B). Accounts be ordered to be taken from the defts in respect of the amount due on account of attendance allowances to the plff from 1-12-1930. The consequential sum that may be thus due to the plff be ~~ordered~~ awarded to him together with interest thereon. The plff is willing to pay the additional court-fee~~s~~ in this respect.

C). Costs of this suit be awarded.

1-8-1942.

25

This relates to seventeen suits filed by primary school teachers in Dharwar. They were originally recruited by Government but were in 1923 taken over and employed by the Municipality under section 8 of the Primary Education Act. The Municipality abolished the Headmasters and 1st Assistants Allowances with effect from 30-12-1930 but had not passed a resolution in that behalf after receiving Government sanction. The necessity for doing so under section 8(2)(b) as it then stood was emphasised by the High Court in Vasanji Naik vs. Government of Bombay, C.A. 102 of 1938. Thereupon the Municipality acting on a suggestion presumably based upon para. 3 of A.L.A.'s opinion No.1232 dated 10th February 1941 recorded the necessary resolution. The plaintiffs encouraged by the decision in Vasanji's case have filed these suits contending that the Municipality's action is illegal and that the defect is not cured by the resolution of 1941.

2. The suits are altogether untenable as against Govt. And their claim even as against the other defendants will probably fail.

3. Sanction may be accorded to the defence of the suits on the lines of the amended brief. A revised draft written statement in C.S. No.323/42 is put up. The D.G.P. may be asked to file written statements in other suits on the same lines.

17/5

R.L.A 18/5

Sec G.D. Issued under no. 3656 of 19.5.43.

19/5.

27

In the Court of the First Class Sub-Judge at Dharwar.

Civil Suit No. 323 1942.

Plaintiff.

Vs.

1. The Dharwar Municipal Borough.
2. The Local Authority Municipal School Board.
3. The Administrative Officer Local Authority Municipal School Board.
4. The Province of Bombay.

.. Defendants.

The written statement of defendant 4 abovenamed is as follows :-

1. The plaint discloses no cause of action against this defendant. Although the plaintiff was originally recruited by this defendant, the plaintiff was taken over and employed by the local authority defendant 1, and under section 8(1)(2) of the Primary Education Act, 1923, the existing and future rights, liabilities, duties and powers of the Provincial Government with regard to him vest in and are to be performed by the said local authority. It is denied that the plaintiff now is, or was at any time after he was taken over and employed by the said local authority in 1923, a servant of this defendant. If there has been any infringement of his rights as respects his salary and allowances, this defendant is not liable therefor.

2. It is denied that this defendant was responsible for payment of any pay or allowance to the plaintiff after 1923. The local authority alone had such responsibility in respect of pay and allowances legally payable to the plaintiff. The primary education grants which this defendant made to the local authority were merely voluntary and in the nature of a bounty.

3. The suit is barred under section 80, Civil Procedure Code, for want of a proper notice. The plaint does not contain an averment, as required by the section, as to the delivery of the notice.

4. The suit is barred by limitation.

5. It is denied that the plaintiff is entitled to the rights and privileges of a Government servant. As regards his remuneration, the scales of pay which were applicable to him at the date of his transfer to the local authority are liable to be altered by the local authority with the previous sanction of Government. Any emoluments which were not provided by the abovesaid scales and were granted subsequent to the plaintiffs transfer to the local authority are liable to be altered or stopped by the local authority even without sanction of Government.

6. This defendant does not admit the allegations in para.2 of the plaint regarding the posts held by the plaintiff and allowances received by him subsequent to his transfer to the local authority in 1923.

7. The headmasters' and 1st Assistants' allowances referred to in the plaint were not included in the scales of pay and allowances applicable, to the plaintiff at the time he was taken over and employed by the local authority. They were granted subsequent to that date and the local authority was entitled in law to abolish them even without obtaining the previous sanction of Governme t.

8. Assuming without admitting that the said allowances could not be abolished without the previous sanction of Government the action taken by the local authority is lawful.

9. The plaintiff is not entitled to any of the reliefs prayed for and it is submitted that the suit be dismissed with costs.

District Government Pleader, Dharwar.

I, [illegible] District Government Pleader, Dharwar, do hereby declare that what is stated in paras. 1 to 9 above is true according to the information received and believed to be true. This verification is made at this day of 1943.

District Government Pleader, Dharwar.

Letter.

No. 309

Dharwar 8th June 1943.

29.

To
JUN 1943

The Remembrancer of Legal Affairs,
Bombay.

Subject:-L.C.Suit Nos.323 to 335, 343 to 349 & 365,366 of 1942 relating to attendance allowances claimed by the Primary School teachers of Dharwar, of F.C.Court, Dharwar.

Sir,

I have the honour to invite your kind attention to your memorandum No.3715 dated the 20th May 1943, sanctioning the defence of the above mentioned suits, and to request you to kindly arrange to send the certified copies of all the documents (Government Resolutions) mentioned in the chronological statement of facts in respect of the above suits for production in court. viz:-

1. G.R.E.D.No.560 dated 24th March 1924.
2. Do dated 10th March 1926.
3. Do dated 29th March 1929.
4. Do dated 21st June 1926.
5. G.R.E.D.No.S72 dated 12th November 1930.
6. Do dated 17th April 1931.
7. G.R.E.D.No.S.72(59) dated 15th December 1931.

Your obedient servant,

S R [illegible]

District Government Pleader.

THE SECRETARY TO GOVERNMENT
GENERAL DEPARTMENT
File No 6442
Vol No A/11-6-43

Submitted with pps.

LBB.
11/6

A.S. The D.G.P. wants certified copies of certain G.Rs.

The correct procedure is that he should request the officer who moves for the sanction to the defence of the suit to arrange to supply him with certified copies (See rule 125 of the L.O. Rules) It is then for the D.G.P. to scrutinise carefully the evidence intended to be produced, ~~and also to suggest~~ in the light of the considerations mentioned in clause (b) of rule 124, before the evidence is actually produced in Court.

The D.G.P. may be informed accordingly.

BJ
12/6

R.L.A
12/6

No. 4277

31

Office of the
Remembrancer of Legal Affairs.
Bombay Castle, 17th June 1943.

Subject:- L.C.Suit Nos. 323 to 335, 343 to 349 and 365, 366 of 1942 relating to attendance allowance claimed by the Primary School Teachers of Dharwar, of F.C.Court, Dharwar.

MEMORANDUM.

With reference to his letter No. 309, dated 8th June 1943 on the above subject, the District Government Pleader, Dharwar is informed that the correct procedure is that he should request the officer who moved for the sanction to the defence of the suit to arrange to supply him with certified copies (See rule 125 of the Law Officers Rules). It is for the District Government leader to scrutinise carefully the evidence intended to be produced in the light of the considerations mentioned in clause (b) of rule 124, before the evidence is actually produced in Court.

For Remembrancer of Legal Affairs.

To
The District Government Pleader,
Dharwar.

Subd. after room
Await press copies
& reply.

17/6

A.S.

18/6

S. Sharwar P.

Suits.

Dharwar.

For a declaration that the right of the plaintiffs to duty allowance withdrawn from 1st December 1930 is *ultra vires*, illegal and unjustified, etc.

33

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT.

Resolution No. 3716.

Bombay Castle, 20th May 1943.

Letter from the District Government Pleader, Dharwar, No. 91, dated the 10th February 1943—Forwarding papers in the suits noted in Appendix A and requesting sanction to their defence.

Endorsement by the Collector of Dharwar, No. Mun.S.R. 411, dated the 16th February 1943—Forwarding the above with his concurrence.

Memorandum to the District Government Pleader, Dharwar, No. 3715, dated the 20th May 1942—Forwarding a copy of the brief with its accompaniments in advance.

X Destroyed.

RESOLUTION.—The defence of the suits should be sanctioned on the lines of the accompanying brief.

By order of the Governor of Bombay,

original

P. N. MOOS,
Secretary to Government.

[*P.T.O.*

MO-1 Leg H 7—1

To

* The Educational Department,
* The Commissioner, Southern Division,
* The Director of Public Instruction, Poona,
* The Collector of Dharwar,
The District Government Pleader, Dharwar (with two copies of the brief).

* With a copy of the brief.

No. of 1943.

Copy forwarded for information and guidance to

Submitted after issue

File

AY
21-7

A.S.

APPENDIX A.

DHARWAR CIVIL SUIT No. 323 OF 1942.

Chennayya Chenaveerayya Hiremath .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 324 OF 1942.

Annaji Narasinha Nariboli .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 325 OF 1942.

Fakirayya Basayya Chikkmath .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 326 OF 1942.

Yashodabai *kom* Sumant Bhaskar .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 327 OF 1942.

Karavirappa Basappa Mummigatti .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 328 OF 1942.

Savitrevva *kom* Rudrayya Hosamath .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 329 OF 1942.

Mallavva *kom* Mallappa Moti .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 330 OF 1942.

Raago Ramchandra Katti .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

DHARWAR CIVIL SUIT No. 331 OF 1942.

Basappa Ulavappa Bellakki .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough
(2) The Local Authority Municipal School Board
(3) The Administrative Officer, Local Authority Municipal School Board
(4) The Province of Bombay

} Defendants.

APPENDIX A—*contd.*

DHARWAR CIVIL SUIT No. 332 OF 1942.

Hanamantappa Fakirappa Sunagar .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. .. ..
(4) The Province of Bombay .. ..

DHARWAR CIVIL SUIT No. 333 OF 1942.

Ramchandra Venkatesh Bhat .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. ..
(4) The Province of Bombay .. ..

DHARWAR CIVIL SUIT No. 334 OF 1942.

Dhondubai Basavantrao Chavan .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. .. ..
(4) The Province of Bombay .. ..

DHARWAR CIVIL SUIT No. 335 OF 1942.

Jainabbi *kom* Madarsaheb Babarchi .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. .. ..
(4) The Province of Bombay .. ..

DHARWAR CIVIL SUIT No. 348 OF 1942.

Sushilabai Muttalgeri .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough; .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. .. ..
(4) The Province of Bombay .. ..

DHARWAR CIVIL SUIT No. 349 OF 1942.

Narayan Swamirao Chitguppi .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. .. ..
(4) The Province of Bombay .. ..

DHARWAR CIVIL SUIT No. 365 OF 1942.

Girijabai *kom* Gangadharrao Kamkar .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. .. ..
(4) The Province of Bombay .. ..

DHARWAR CIVIL SUIT No. 366 OF 1942.

Nagappa Laxmappa Dharwadkar .. .. Plaintiff;

versus

(1) The Dharwar Municipal Borough .. ..
(2) The Local Authority Municipal School Board .. .. } Defendants.
(3) The Administrative Officer, Local Authority Municipal School Board .. .. ..
(4) The Province of Bombay .. ..

Chronological Statement of Facts.

These are seventeen suits which possess certain common features of fact and raise common questions of law.

2. Each of the plaintiffs entered Government service as a primary teacher before 1923, and each was transferred to the Dharwar Municipality under section 8 of the Primary Education Act, 1923. They are still in the service of the local authority.

3. By Educational Department Resolution No. 560, dated 24th March 1924, Government sanctioned a scheme for revision of the scales of pay of primary teachers contained in the press note No. 560, dated 3rd December 1923, subject to the qualification that the proposal to grant head teachers allowance based on attendance, which was represented to Government as being not quite satisfactory, was not to be brought into force pending final decision of Government in the matter.

4. By Educational Department Resolution No. 560, dated 10th March 1926, Government directed that duty allowance (now called "special pay") should be granted, with effect from the 1st March 1923, on the lines suggested in paragraph 2 of the Surve Committee's report and "should be calculated on the basis of average attendance for two years.

5. By Educational Department Resolution No. 560, dated 29th March 1926, it was directed that the revised rates of headmaster's allowance should take effect only from 1st April 1925.

6. By Educational Department Resolution No. 560, dated 21st June 1926, directed that in respect of the period from 1st March 1923 to 28th February 1925 (both days inclusive) the duty allowance should be paid on the lines of paragraphs 2 and 11 of the scheme appended to the Government Resolution of 10th March 1924 mentioned in paragraph 3 above.

7. After consideration whether the Headmasters and 1st Assistant's allowance sanctioned by the Government Resolution abovesaid of 10th March 1924 fulfilled any useful purpose Government by Government Resolution, Educational Department, No. S. 72, dated 12th December 1930, intimated that it would raise no objection if any local authority wished to withdraw such allowances after 1st December 1930.

8. The Director of Public Instruction having drawn attention to section 8 (*2*) (*b*) of the Primary Education Act, 1923, and raised the question as to whether allowances can be stopped in anticipation of actual sanction, Government by Resolution No. S. 72, dated 17th April 1931, informed him that local authorities should obtain *previous sanction* for discontinuance of such allowances.

9. The School Board of the Dharwar Municipality by its Resolution No. 582/1, dated 11th February 1931, recommended discontinuance of the Headmasters and 1st Assistant's Allowance with effect from 1st December 1930 under the option given under the Government Resolution of 30th November 1930 referred to in paragraph 7 above, and suggested

be not forthcoming; and scrutinise it carefully to see if it conforms to the provisions of section 80, Civil Procedure Code. In case it is on the lines of the notice at page 14 of the loose papers attached to the file, it would be defective in that—

(*i*) it does not state the cause of action against Government,

(*ii*) it does not state the reliefs claimed from Government,

consequently, the notice fails to fulfil the object and purpose for which it is provided—that is, to enable the Government to consider whether it should settle the matter out of court, and this it cannot consider unless the cause of action and the reliefs asked for are stated with precision. Moreover, the plaints do not contain averments as required by the section as to the delivery of the notice. Therefore the plaints will have to be rejected under Order VII, rule 11, Civil Procedure Code (51 Bom. 725 P.C.F.A. 308/39).

6. *Limitation.*—The suit is barred, as respects the declaration prayed for, under Article 120 of Schedule I to the Limitation Act, 1908. The claim to arrears of the allowances would be governed by Article 102, but as the grant of the relief is merely consequential, and conditional upon the grant of the declaration, that claim too is completely barred.

7. *Merits.*—The plaintiffs' main contention seems to be based on the decision of the High Court in Naranji Vasanji Naik *v.* Province of Bombay and another. (S.A. 102 of 1938), and that contention, briefly, is to the effect that the local authority in this case, having obtained the sanction of Government for the abolition of the allowances, should have reconsidered and resolved upon the abolition before stopping payment thereof and its omission in this behalf renders its action illegal. The argument, it will be noticed, is founded upon section 8 (*2*) of the Primary Education Act, 1923, as it stood in 1931. It laid down that the future rights and liabilities, and duties and powers of Government in respect of such teachers shall vest in and be exercised or performed by the local authority provided [by proviso (*b*)] that the scales of pay and allowances applicable to such teachers *at the time they are taken over and employed by the local authority* shall not be altered without the previous sanction of the Government. The proviso thus applies only in relation to the scales applicable at the time indicated in the words underlined. In view of the facts stated in the Chronological Statement, it cannot be said that at the material time, in this case in 1923, the allowances in question were included in the scales of pay and allowances admissible to the plaintiff. The first order was made in 1924, long after the plaintiffs were taken over and employed by the local authority. Therefore the case does not fall within the terms of the proviso, and is distinguishable from the case decided by the High Court.

8. It should be pointed out that the defendants are not estopped from denying that at the relevant date Government was under no legal liability to pay these allowances so as to attract proviso (*b*) to

section 8 (2) of the Primary Education Act, 1923. The rule of estoppel is stated in section 115 of the Evidence Act, 1872. In the first place, no representation was made to the effect that such liability existed. It is true that the local authorities subsequently paid the allowances, but that cannot imply any representation that any legal liability in that behalf existed at the date the local authority took over the teachers. And secondly, even on the assumption that such a representation can be spelt out from the fact that the allowances were paid, the plaintiffs have done nothing on the faith thereof to alter their position for the worse.

9. Assuming, however, that at the date the plaintiffs were taken over by the local authority, allowances in question were already part of their "scale of pay and allowances" these scales were liable to be altered by the local authority, under section 8 (2) of the Bombay Primary Education Act, 1923, with the previous sanction of the Government. It should be affirmed that they have been so altered, and that the Headmasters and 1st Assistants' allowances have been lawfully abolished. Whatever legal flaw there might have been in the matter on the ground that the Municipality did not after obtaining Government sanction, apply its mind to the question and record a resolution in the matter (*see* Vasanji Naik *v.* Government of Bombay *op cit*) is now cured by the Municipality's resolution, dated 27th November 1941. In this connection it is necessary to emphasise two points: (1) The local authority in recording a final resolution directing the abolition of the allowances had *power*

also to direct that the abolition should take effect retrospectively. The language of the statute clearly empowers it to do so. For proviso (*b*) to section 8 (*2*) enacts, *inter alia*, that the Provincial Government in such cases if they think fit may direct that such alteration shall take effect from any date prior to that on which such sanction is given; it follows therefore that the final resolution of the local authority, which must be passed after receiving the sanction of Government, can have retrospective effect. (2) The effect of the resolution of the 27th November 1941 is the same as if it was passed in 1931 immediately on receiving Government's sanction. A subsequent ratification has a retrospective effect and is equivalent to a prior command. In ratifying and confirming the action of the Administrative Officer in declining to pay these allowances after 30th December 1930, the local authority has validated it. Referring to the rule of the common law relating to ratification Willes J in Phillips *v.* Eyre (1870) 6 Q.B. 1 said "Such ratification has the effect of a prior authority; and the result is that if the prior authority of the principal would not have justified the act, both the agent and the principal may be sued as trespassers and that if such authority would have justified the act,—that is, if the principal could have lawfully authorised it before hand, then the agent is also justified by matters *ex post facto* and the vested right of action is extinguished." (p. 24).

10. For all these reasons, it should be urged that the suits fail and must be dismissed with costs.

No. 722 II

Dharwar 18 January 1944.

43

LEGAL REPRESENTATIVE
TO
626
A/2 1-44

To The Remembrancer of Legal Affairs,
Bombay.

Subject:-Dharwar L.C.Suits Nos.323 to 335, 348,349 and 365 and 366 all of 1943.
Ref :-G.R.L.D.No.3716 dated 20th May 1943.

Sir,

I have the honour to state that all the above mentioned 17 suits (heard as companion suits) were dismissed by the learned F.C.Sub-Judge, Dharwar, on 17-1-1944. The court has been further pleased to order that each party should bear its own costs. The observations of the learned Judge in this respect are as under:-

"Thus looked at from any point of view, the plff fails. The question of costs remains to consider. In the ordinary course of things the costs shall follow the event. What must have led this and other plaintiffs in the companion suits is the decision of the Bombay High Court in terms of Ex.52 (i.e. Appeal No.102 of 1938). Giving it my consideration I have come to the conclusion that the decision is not applicable to the facts of this case, and I, therefore, have distinguished it. If that decision were applicable the plff would have succeeded to the extent therein provided. In this view of the matter, the fairest order as to costs, I order parties to bear their own costs".

I may submit, with due respect, that the order of the learned F.C.Sub-Judge, regarding costs is not just and consistent with the principles of law, since the plffs have failed on all the points raised in the suits.

Instructions are, therefore, solicited as to whether the order as to costs should be acquiesced or appealed against.

Uncertified copies of judgment and decree in respect of the above

suits will be submitted for favour of perusal at an early date.

Your obedient servant,

S. R. [illegible]

for District Government Pleader.

Submitted for information with ffs. S. Divr. 6/43.
Await copies of the judgement & decree

BK
26/1

Asst. P.P.

Submitted
Reminder is put up below for the signature

BK
15/5.

A.P.A. [illegible]
17/5

x Issued under No. 358 dt. 18th May 1944

[illegible]
14/5

Submitted after issue
2 Await copies of judgment & decree.

GV.
1915. A.P.A. [illegible] 1915

Copy was applied for in person on the (14th) Fourteenth February 1944

Clerk of the Court.

It was ready for delivery on the (21st) Twenty first February 1944

Clerk of the Court.

It was delivered on the 21st day of February 1944

Clerk of the Court.

4880
9-3-0
2-5-0
0-4-0
11-12-0

Suit filed on 1-8-1942.
Registered on 1-8-1942.
Decided on 17-1-1944.
Duration 1 year, 4 months and 16 days.

In the Court of the First Class Sub-Judge, at Dharwar. Ex. 54.

Civil suit No. 323 of 1942.

Pleaders.
Messrs. Malimath and D.R.Kulkarni.

1. Chinnayya Chanaveerayya Hiremath, age 51, Lingayat, School teacher of Dharwar. .. .. .. Plaintiff.

Against.

Mr. K.K.Patil. 1. The Dharwar Muncipal Borough by its Chief Officer.

Mr. Armani B.L.Patil. 2. The Dharwar Local Authority Muncipality School Board by its Chairman.

Do. 3. Administrative Officer L.A.Muncipality School Board, Dharwar.

Mr. Malapur. 4. The Province of Bombay.

Claim:

The plaintiff sues to obtain a declaration that the stoppage of allowance due to him is improper, ultra vires and unauthorised. He further prays for another declaration that he has the legal right to recover the allowance due to him. He seeks for accounts of the allowance due to him from 1-12-1930 to the date of suit as well as from the date of suit onwards. He prays to recover the sum due to him together with interest and costs. He undertakes to pay the necessary Court-fees on the sum found due to him. The plff alleges that he was employed as a teacher in the Primary School in the Bombay Educational Department in 1912. In or about 1923 along with other teachers he was placed under the authority of the Local Authority of the Dharwar Muncipal School Board. Despite his transfer to the Local Authority, he continued to enjoy the previleges of a Government servant. In 1915 he passed his third year examination of the training College at Dharwar. Before 1923 he was a confirmed teacher in a Kannad School. In 1923 he was the first Assistant. From August 1923 he has been working as a Head Master. He was getting the attendance allowance when he was an assistant master as well as a Head Master. This was in terms of the G.R.E.D.No. 560 of 24-3-1924. Even afte

after his services were transferred to the local Authority defts 1 and continued paying the allowance to him. He was also getting the allowance in ter s of G.R.E.D.No. 560 of 10-3-1926 and 21-6-1926. From 1-12-1930 defts 1 and 2 stopped paying the allowance. They had no legal right to do so. There was no previous sanction of the Provincial Government to stop the allowance. The stoppage of the allowance by defts 1 and 2 was illegal, improper and ultra vires. The attendance allowance varies according to the number of pupils attending the school. It is, thereofre, impossible for him at this stage to definitely state what is the sum due to him in this connection. Hence the suit for a declaration and accounts. The notice required by law has been given to the defts. Deft 4 has been impleaded as it is the final authority in the matter.

Deft 1's written statement is Ex. 18. Therein it is contended that the suit is barred by limitation. The cause of action, if there was one arose in 1930. It is denied that after the transfer of the plff's services to the local authority he is entitled to the previleges of a Government servant. The attendance allowance was not a permanent grant. It was a voluntary one depending upon the will and pleasure of the deft. Plff has no legal right to claim it in perpetuity. It is admitted that the attendance allowance was stopped on 1-12-1930. It was within the legal right of the deft to stop it. The stoppage is lawful. It is denied to be ultra vires. The previous sanction of the Government is not necessary to stop it. The plff is bound by the resolution of defts 1 and 2. The previous sanction is a matter inter se between the defts 1 and 2 on the one hand and deft 4 on the other. The plff has no legal right to recover the allowance claimed by him. He has no right to bring a suit for accounts. It is denied that the notice given on 22-12-1941 is in accordance with law. The G.Rs. relied on by the plff were not in force when the plff entered the service of deft 4 as a teacher and when his services were transferred to defts 1 and 2. There was no contract between the plff and defts 1 and 2 for the payment of the allowance claimed. The suit is barred in view of section 26 of the Bombay Primary Education Act of 1923. The suit should have been brought within six months of the stoppage of the allowance. The suit is barred by estoppel. The suit is barred under Article 120 of the Indian Limitation Act as well as by Article 114 of the said Act. The plff is not entitled to the declaration and accounts prayed for.

Deft 2 by Ex. 17 adopts the contentions of deft 3. Deft

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3's written statement is Ex. 16. His contentions are similar to those of deft 1. In addition it is contended that the plff is bound by the resolution specified in para 6 of Ex. 16.

The written statement by deft 4 is Ex. 22. Therein it is contended that the plaint discloses no cause of action against the Province of Bombay. It is admitted that the Province originally recruited the plff. But he was taken over and employed by the Local authority deft 1. Under Section 8(1) (2) of the Primary Education Act 1923 the existing and future rights, liabilities, duties and powers of the Provincial Government with regard to him vest in and are discharged by the Local aut ority. It is denied that the plff now is, or was at any time after he was taken over and employed by the said local authority in 1923, a servant of deft 4. If there has been any infringment of his rights in regard to his salary and allowances deft 4 is not liable there for, It is denied that d ft 4 was responsible for payment of any pay or allowance to the plff after 1923. The Local authority alone had such responsibility in the matter. The primary education grant which deft 4 made to the local aut ority were v luntary and in the nature of a bounty The suit is barred under Section 80 C.P.C. for want of a proper notice. The suit is barred by limitation. It is denied that the plff is entitled to the rights and previleges of a Government servant. As regards plff's remuneration, the scales which were applicable to him at the date of his transfer to the local authority are liable to be altered by the local authority with the previous sanction of the Government. Any emoluments which were not provided for by the aforesaid scales and were granted subsequent to plff's transfer to the local authority are liable to be altered or stopped by the local aut ority without the sanction of the Government. The allowances received by the plff subsequent to his transfer to the local authority in 1923 are not admitted by deft 4. Para 7 of the written statement is in these words " The Head Master and First Assistants' alloances referred to in the plaint were not included in the scales of pay and allowances applicable, to the plff at the time he was taken over and emplo d by the local authority. They were granted subsequent to that day and the local authority was entitled in law to abolish them even without obtaining the previous sanction of the Government". In the alternative it is contended that without the previous sanction of the Government the action taken by the

local authority is lawful. It is contended further that the plff is not entitled to any other reliefs prayed for.

Issues for decision are :-

1. Whether the stoppage of the attendance allowance is proved to be illegal and ultra vires ?
2. Whether it is proved to be a permanent allowance ?
3. If so whether it could not be legally stopped ?
4. Whether the suit is barred by limitation ?
5. Whether it is barred by estoppel, waiver or acquiescence ?
6. Whether the allowance was voluntary ?
7. Whether the suit is barred under the provisions of Section 26 A or section 8(1)(2) of the Bombay Primary Education Act ?
8. Whether the plff is bound by the resolutions relied upon by defts 1, 2 and 3
9. Whether the notice under Section 80 C.P.C. given to deft 4 is proper valid in law ?
10. (a) Whether plff is entitled to accounts ? (b) If so from what date ? (c) What is the sum found due to plff at the foot of accounts ? (d) whether he is entitled to interest thereon ? (e) If so, at what rate should interest be allowed ? (f) What additional Court fees should be paid ?
11. What decree.

Findings.

1. No.
2. No.
3 It would be legally stopped.
4. Yes.
5. No.
6. Yes.
7. Yes.
8. Yes.
9. Yes.

(10)(a) to (f) Do not survive.

11. Suit dismissed.

Reasons.

This suit and L.C. suits Nos. 324 to 335 of 1942, 348/1942, 349/1942 365/1942 and 366/42 are consolidated for the purpose of hearing as they

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involve common questions of fact and law. They are all by primary school teachers. The allowance in dispute was stopped by resolution No. SBR No. 582/1 dated 11th February 1931 passed by the Local Authority of the Muncipal Borough of Dharwar (Ex. 42) . That resolution was sanctioned by the President of the Muncipal Borough Dharwar on 1-4-1931(Ex. 43). The Government sanctioned the proposal aforesaid by its resolution No. S-72 (59) of the Educational Department dated 15-12-1931(Ex. 41) The plff in this suit and the plffs in the companion suits challenged these resolutions as ultra vires, illegal and improper. In support of this Mr. Malimath for the plff has relied upon three facts. The first is the provision of section 8(2)(6) of the Bombay Primary Education Act of 923. The second is Educational Departmental Resolution No. S. 72 dated 17th April 1931 (Ex. 40). The third and the most important document relied upon by Mr. Malimath is Ex. 52 which is a certified copy of the judgment in appeal No. 102 of 1938 from the Appellate Side of the Bombay High Court. In fact the present suit and the trial of other suits following upon it have been mainly based upon the decision in terms of Ex. 52. I therefore proceed to consider it. In the first place it is not a reported case. It should be remarked that the judgment was pronounced on 6th March 1940. Presumably their Lordships of the Bombay High Court must have thought it fit not to allow the publication of this judgment in any authorised series private or public. However, the decision of their Lordships , if it is applicable to the facts in this case is certainly binding upon this Court. The plff in that case was a school teacher emplyed in primary schools under the control of the Surat Municipality, and in March 1931 he was enjoying a duty allowance which had been sanctioned by Government under their resolution of March 24, of 1924 and March 10th 1926. He complained that the allowance was wrongfully taken away as from the 1st of March 1931. In February 1931 the Muncipal Borough was dissolved under section 219 of the Muncipal Boroughs Act 1925. Thereupon under sub section 2 of the aforesaid section all the powers and the duties of the muncipal borough were exerciable during the period of dissolution by persons appointed by the Commissioner. He appointed a committee of management and all property bested in the Muncipal Borough became vested in His Majesty. I should remark here that the Dharwar

Muncipal Borough has not met with the fate of the Surat Muncipal Borough. There is no committee of management appointed by the Commissioner. The property belonging to the Muncipal Borough of Dharwar is not vested in His Majesty. Secondly the Muncipal Borough and the committee of management in Ex. 52, acting during the period of dissolution of the Muncipal Borough should have acted after having got the sanction of Government to their proposal. Their Lordships have observed that if they had done so their resolution would have been a valid one. In the present case it is true that when the resolutions in terms of Exs. 42 and 43 were passed by defts 2 and 1 respectively, the previous sanction of the Government was not obtained. But after the Government sanctioned the stoppage of the allowance in terms of Ex. 41, the Local Authority of the Dharwar Muncipal Borough passed a resolution No. 356 on 23-8-1941 (Ex. 44). This was approved by the Muncipal School Board of Dharwar by its Resolution 251 on 27-11-1941 (Ex. 45). In view of these acts by defts 1 & 2 it is clear according to the observations of their Lordships in Ex. 52 the acts of defts 1 and 2 have become valid. This is sufficient to dispose of the suit. But I have heard pleaders at great length on all the issues raised in this case and I therefore proceed to record my findings on as many of them as are necessary.

In the first place it is admitted by the plff that his services were transferred to the Local Authority in 1925 and not in 1923 as alleged by him in the plaint. He has further alleged that at the time when his services were taken over by the Local Authority none of the allowances in this suit were sanctioned either by the Government or by the Local Authority. By the Educational Dept. Resolution No. 560 dated 24-3-1924 it was resolved as follows among other things " It has been since represented to Government that the proposal to grant Head Teachers' allowances based on average attendance is not altogether satisfactory and the proposal is therefore being further considered by Government, this feature of the scheme should not therefore be brought into effect pending the final decision of Government in the matter". This makes it abundantly clear that at the time when the services of the plff were transferred to the Local Authority he was not in receipt of the Teachers' Allowances based on average attendance. I am, therefore, of opinion that the provisions of section 8(2)(b) of the Bombay Primary Education Act 1923 relied upon by Mr. Malimath on behalf of the plffs requiring the previous sanction of the Government before the stoppage of the Teachers' allowances

based on average attendance is not applicable. Section 8(2)(b) of the Bombay Primary Education Act 1923 provides that the scales of pay and allowances applicable to such teachers at the time at which they are taken ov r and employed by the Local Authority shall not be altered without the previous sanction of the Provincial Government. This was the law before the amending Act of 1935. As a result of that Act the word previous' has been deleted. Mr. Malimath for the plff submitted that the provision of law applicable to the plff was as it stood before the Act of 1935. In support of this he relied upon Shantiniketan co operative Housing Society Ltd.Vs. Madhavlal A.I.R. 1936 Bombay p. 37. In parti-cular Mr. Malimath relied upon the following head note to the case :- " Courts are bound to give effect to intention of the Legislature and are bound therefore by the express words of the Legislature when those words can have but one meaning. Where,however, it is possible to construe the words of the Legislature in more than one way the Courts will always lean against an interpretation which will give retrospective effect to the terms of an enactment. As against this there are the observations of their Lordships of the Privy Council quoted at page 40 of the report and which are in these terms;" The principle which their Lordships must apply in dealing with a matter has been authoritatively enunciated by the Board in 1905 A C. 369 where it is in effect laid down that, while provisions of a statute dealing merely with matters of procedure may properly, unless that construction texually is inadmissible have retrospective effect attributed to them, provisions which tough a right in existence at the passing of the statute are not to be applied retrospectively in the absence of express enactment or necessary intendment". I have already observed that the plff was not in receipt of the allowance claimed by him at the time when the plff was taken over and employed by t Local Authority. It is, therefore, according to the dictum laid down by the Judicial Committee of the Privy Council referred to above that the amendment shall have retrospective effect, if any previous sanction at all was necessary. But in my opinion no previous sanction was necessary. In support of the plea previous sanction was necessary, reliance was placed on the judgment Ex. 52. For reasons already recorded the decision not applicable to the facts in this case. Secondly reliance was placed upon the Government resolution in terms of Ex. 40. It reads that the Director of public Instruction should be informed that Local Authority

should obtain previous sanction of Government to proposals for discontinuance of payments of the Head Masters' and First Assistants' allowances to Primary School Teachers. Indeed, if the Primary School Teachers were in receipt of these allowances at the time when they were taken over and employed by Local Authority the resolution in terms of Ex. 40 would have been in order. It is in evidence that these allowances were not in existence at the time when the Primary School Teachers were taken over and employed by the Local Authority. Sub Section 2 of Section 8 of the Bombay Primary Education Act provides that the existing and the future rights, liabilities, duties and powers of the Provincial Government in respect of such teachers shall vest in and be exercised or performed by the Local Authority. It is true that there are two provisoes to this sub section under the Proviso A, any such teacher shall have a right of appeal to the Provincial Government against any order of dismissal. Certainly this proviso is inapplicable. Privso B lays down that the scales of pay and allowances applicable to such teachers at the time at wh they are taken over and employed by the Local Authority shall not be altered without the sanction of the Provincial Government. In view of the fact that the allowances in question were not granted to the Primary school Teachers at the time at which they were taken over and employed by the Local Authority, it is clear that proviso B is equally inapplicable to the facts of this case. Lastly it was contended that the allowances were granted with effect from 1-3-1923. That was an act of grace for which the Local Authority should not be punished. I therefore agree with Mr. Malapur the learned pleader for Government that the provision laid down in the Educational Department Resolution No. S. 72 in terms of Ex. 40 is ultra vires. I, therefore, hold that the stoppage of the allowances by the Local Authority independently of the subsequent sanction of the Government in terms of Ex. 41 and the subsequent resolutions of the Local Authority in terms of Ex. 44 and 45 was perfectly valid.

Mr. Malimath for the plff frankly conceded that the allowances were voluntary and could be lawfully stopped by the granting Authority. But his contention was that as they were not stopped with the previous sanction of the Government the plff was entitled to the same till they were stopped as required by law. I have already ~~lai~~ held that the stoppage did not require the previous sanction of the Government under the circumstances of the case and even if such sanction was required it is forthcoming in ample measure in terms of Exs. 41, 44 and 45.

The question of limitation does not present any difficulty. The

Government by its resolution dated 15-12-1931 sanctioned the discontinuance of the allowances in question. That was an act or order of an officer of Government in his official capacity. Under Article 14 of Schedule of the Indian Limitation Act the period of limitation is one year and the time begins to run from the date of the act or order. The suit was filed on 1-8-1942. Mr. Malimath for the plff submitted that the Article applicable is Article 131 of the Indian Limitation Act. It is in respect of cases to establish a periodically recurring right and the period of limitation is 12 years when the plff is first refused the enjoyment of his right. In the present case I find it difficult to accept Mr. Malimath's argument that it is a periodically recurring right. A periodically recurring right postulates the suspension of that right for some period after the lapse of which the right will again come into force. The plff's right to recover the allowance was in the nature of his pay. It was stopped in 1930. Under Article 102 of the Indian Limitation Act the period for recovering wages not otherwise expressly provided for is three years when the wages accrued due. To put the most liberal interpretation upon plff's right regarding limitation would be to apply Article 120 of the Act. Under this Article the period is six years and time begins to run when the right to sue accrues. The time to sue accrued to the plff in 1930 when his allowances were stopped. More than six years have elapsed since then. In support of his argument that Article 131 applies Mr. Malimath for the plff referred me to three decisions one from the Privy Council and two from the Madras High Court. The Privy Council decision is, Secretary of State of India Vs. Parasaran A.I.R. 1934 P.C. page 108. There, the question before their Lordships was the construction of a Inam grant and a right to collect a revenue. The decision in that case is inapplicable to the present suit. The second case is Kenthattikali Vs. K. Rama A.I.R. 1936 Madras page 704. The question before the Madras High Court was in respect of the right to recover from the Zamindar an annual allowance from and out of the revenue collections. Needless to say the case is equally inapplicable. The third case is Manavikrama Vs. Achuthamenon I.L.R. 38 Madras page 916. It is equally inapplicable to the facts of this case. Lastly Mr. Malimath referred me to the provisions of section 23 of the Indian Limitation Act. It provides that in the case of a continuing breach of contract and in the case of a continuing wrong independent of

ontract a fresh period of limitation begins to run at every moment of he time during which the breach or the wrong, as the case may be, continued. o such case of a continuing breach or a continuing wrong independent of ontract has been made out in the plaint. In the nature of things the stoppage of the allowance which was quite within the powers of Local Authority cannot by any stretch of Imagination be called a continuing breach of contract or a continuing wrong independent of contract. In this connection Mr. Malimath referred me to Gaya Prasad Vs. Jagadish A.I.R. 1940 Patna page 561. It has no application to the facts in this case.

Thus looked at from any point of view the plff fails. The question of costs reamins to consider. In the ordinary course of things the costs shall follow the event. What must have led this and the other plffs in this and the companion suits is the decision of the Bombay High Court in terms of Ex.52. Giving it my anxious consideration I have come to the conclusion that the decision is not applicable to the facts in this case and therefore I have distinguished it. If that decision were applicable the plff would have succeeded to the extent therein provided. In this view of the matter the fairest order as to costs I order parties to bear their own costs.

Order.

The suit is dismissed. Parties are ordered to bear their own costs.

17-1-1944. Sd/ T.B.Shanbhag.

First Class Sub-Judge.

Copied by Compared by True copy.

Clerk of the Court.

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The date on which the copy was applied for

14th February 1944

Fourteenth

Clerk of the Court

The date on which it was ready

16th February 1944

Sixteenth

Clerk of the Court

The date on which it was delivered

March 1944

Clerk of the Court

690 x 300 x 2 ಸಂಖ್ಯೆ ಅಂಚೆಚೀಟಿ ಕಟ್ಟಿದೆ. (ಅ.ಪ್ರ.ಸಂ.೯.೭)

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ಅನುಸೂಚಿ

ದಾಖಲಾದ ಅಂಗೀಕೃತ ಸಾಕ್ಷಿಗಳ ಹೆಸರು

ಅಂಗೀಕೃತ ಸಾಕ್ಷಿಗಳ ಹೆಸರು ೩) ೨) ನಿಜ ಸಾಕ್ಷಿ

ಪ್ರತಿವಾದಿಯವರು ಸಾಕ್ಷಿಗಳನ್ನು ಸಾಕ್ಷಿಗಳ ಸಾಕ್ಷ್ಯ ಅಂಗೀಕೃತ ಸಾಕ್ಷಿಗಳ ಹೆಸರು

ಅಂಗೀಕೃತ

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೪ ಅ(೨)೨ ಸಾಕ್ಷ್ಯ ಕೊಟ್ಟಿರುವ ದಾಖಲಾದ ಅಂಗೀಕೃತ

ಸಾಕ್ಷ್ಯ

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ದಾಖಲಾದ ಸಾಕ್ಷ್ಯ

ಸಾಕ್ಷ್ಯ

ಆದೇಶದಲ್ಲಿ ಹೇಳಿರುವಂತೆ :- (1) ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಸಂಬಳ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಾವತಿಸುವ ಸಂಬಂಧ ಹಣಕಾಸು ಇಲಾಖೆಯವರು ಹೊರಡಿಸಿರುವ ಸುತ್ತೋಲೆಗಳನ್ನು ಅನುಸರಿಸುವುದು. ಅದರಂತೆ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಸಂಬಳ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಾವತಿಸುವ ಸಂಬಂಧ ಸರ್ಕಾರಿ ಆದೇಶ ಹೊರಡಿಸುವ ಮುಂಚೆ ಸಂಬಂಧಪಟ್ಟ ಹಣಕಾಸು ಇಲಾಖೆಯವರ ಅಭಿಪ್ರಾಯ ಪಡೆದುಕೊಳ್ಳುವುದು.

(2) ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕೆಲಸಕ್ಕೆ ಹಾಜರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ ದಿನಗಳಿಗೆ ಸಂಬಳ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಾವತಿಸುವುದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ. ಸರ್ಕಾರಿ ನೌಕರರು ಕೆಲಸಕ್ಕೆ ಹಾಜರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ ದಿನಗಳ ಸಂಬಳ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಾವತಿಸುವ ಸಂಬಂಧ ಸರ್ಕಾರಿ ಆದೇಶ ಹೊರಡಿಸಿದ ನಂತರ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯ ಪ್ರಧಾನ ಲೆಕ್ಕಾಧಿಕಾರಿಯವರು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಸಂಬಳ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಾವತಿಸುವ ಸಂಬಂಧ ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿ ಹೇಳಿರುವ ಷರತ್ತುಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಸಂಬಳ ಮತ್ತು ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಾವತಿಸುವ ಸಂಬಂಧ ಸರ್ಕಾರಿ ಆದೇಶ ಹೊರಡಿಸಿದ ನಂತರ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯ ಪ್ರಧಾನ ಲೆಕ್ಕಾಧಿಕಾರಿಯವರು

অপরাধীকে ধরতে পারেনি। তবে পুলিশের কাছে এমন অভিযোগ আছে যে, তারা ইতিমধ্যে অনেক অপরাধীকে গ্রেপ্তার করেছে। তাদের বিরুদ্ধে মামলা চলছে। এই কাজে পুলিশ কোনো অবহেলা করেনি। তাদের কাজের জন্য তারা সরকারের কাছে প্রশংসা পেয়েছে। তাদের কাজের জন্য তারা পুরস্কারও পেয়েছে। তাদের কাজের জন্য তারা সরকারের কাছে প্রশংসা পেয়েছে। তাদের কাজের জন্য তারা পুরস্কারও পেয়েছে।

(খ) বাংলাদেশ পুলিশ বাহিনীর কর্মকর্তাদের বিরুদ্ধে অভিযোগ আছে যে, তারা অপরাধীদের সাথে যোগসাজশ করে অপরাধ করে থাকে। (Participate in crime) অপরাধীদের সাথে যোগসাজশ করে অপরাধ করে থাকে।

(গ) বাংলাদেশ পুলিশ বাহিনীর কর্মকর্তাদের বিরুদ্ধে অভিযোগ আছে যে, তারা অপরাধীদের সাথে যোগসাজশ করে অপরাধ করে থাকে। তাদের বিরুদ্ধে অনেক অভিযোগ আছে। তাদের বিরুদ্ধে অনেক অভিযোগ আছে। তাদের বিরুদ্ধে অনেক অভিযোগ আছে।

[illegible]

(ग) [illegible] (B) [illegible] (ultra vires) [illegible]

[illegible]

(4) [illegible]

[illegible]

(5) [illegible]

[illegible]

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

[illegible]

Lt. R. B. Sankhalli (signature) Lt. J. B. Shankhag
[illegible]
21-1-44

[illegible] Lt. S. S. Malimath
[illegible] Lt. K. K. Patil
[illegible] Lt. B. L. Patil Adv. Lt. G. B. Ramani
[illegible] Lt. S. R. Malapur
21-1-44

[illegible]

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C - 8.

Fourteenth (14) February 1944

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The date on which it was ready for delivery

Twenty First (21) February 1944

Clerk of the Court.

The date on which it was delivered on

the (illegible) day of (illegible) 1946

Clerk of the Court.

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1946

పరువునష్టపరిహారం
కోరుతూ దావా.

తీర్పు

"ప్రతివాది తన వ్యక్తిగత హోదాలో వాదిపై కలిగించిన పరువునష్టానికి పరిహారం చెల్లించాలని ఆదేశించడమైనది. వాదికి ప్రతివాది రూ. 2000 చెల్లించాలి. ఇందులో 1000 రూపాయలు వాదికి నష్టపరిహారం కింద చెల్లించాలి. మిగతా 1000 రూపాయలు ప్రభుత్వానికి జరిమానా కింద చెల్లించాలి. ఇవి చెల్లించకపోతే ప్రతివాది 6 నెలల సాధారణ జైలుశిక్ష అనుభవించాలి. వాదికి ఖర్చులు ప్రతివాది చెల్లించాలి.

పరువునష్టం

1) ప్రతివాది పరువునష్టం కలిగించే ఉద్దేశంతో ఉద్దేశపూర్వకంగా వాదిపై అపకీర్తి కలిగించాడు.

2) ప్రతివాది తప్పుడు సమాచారం ఇచ్చి వాదిపై అపకీర్తి కలిగించాడు.

3) ఉద్దేశపూర్వకంగా అపకీర్తి కలిగించాడు. పరువునష్టం కేసులో ప్రతివాది బాధ్యుడు.

4) పరువునష్టం (D. పరువునష్టం)

వాదిపై ప్రతివాది ఆరోపణలు
వాదిపై ప్రతివాది ఆరోపణలు
వాదిపై ప్రతివాది ఆరోపణలు

కారణం కలిగించాయి.

1) పరువునష్టం కలిగించే ఉద్దేశంతో ఉద్దేశపూర్వకంగా ఒకరి గురించి మరొకరికి తప్పుడు సమాచారం ఇచ్చి వారిపై అపకీర్తి కలిగించడం. పరువునష్టం కేసులో ప్రతివాది బాధ్యుడు.

[illegible]

2). [illegible] ఉన్నారు. [illegible] ఉన్నారు. [illegible] ఉన్నారు.

recurring right) అని పిలవబడుతున్నవి. వీటికి సంబంధించిన అన్ని కేసులలో కోర్టులు ఈ తీర్పులను అనుసరించి తీర్పులు ఇవ్వవలసి ఉంటుంది. ఈ తీర్పులు ఆ కోర్టుకు మాత్రమే కాకుండా అన్ని కోర్టులకు వర్తిస్తాయి.

v) దావాలకు అర్హత — ఈ దావాలను తీర్పు ఇచ్చిన తేదీ నుండి 90 రోజుల లోపల దాఖలు చేయవలసి ఉంటుంది. 90 రోజులు అనగా కేవలం పనిదినాలు మాత్రమే కాకుండా అన్ని రోజులు అని అర్థం.

vi) వాదివివరణ — (a) వాదిని మరియు ప్రతివాదిని కలిపి ఒకే వ్యాజ్యంలో చేర్చడం జరిగితే వారి హక్కులు వేరువేరుగా ఉన్నప్పుడు మాత్రమే అది చెల్లుతుంది. లేకపోతే అది అధికార పరిధి లేని (Ultra vires) చర్యగా పరిగణించబడుతుంది. ఒకే వ్యాజ్యంలో ఒకే వాదిని మరియు అనేక మంది ప్రతివాదులు ఉండి, వారి మధ్య ఉమ్మడి హక్కులు ఉన్నట్లయితే మాత్రమే అది చెల్లుతుంది.

(b) సెక్షన్ 13 ప్రకారం ఒక తీర్పు ఆ కోర్టు అధికార పరిధి గల సమర్థవంతమైన కోర్టు ద్వారా వెలువడినదిగా పరిగణించబడుతుంది. ఒకవేళ ఆ కోర్టు తీర్పు ఇవ్వడానికి అర్హత లేనట్లయితే, ఆ తీర్పు చెల్లదు. ఆ తీర్పు ఆధారంగా ఏర్పడిన ఒప్పందం కూడా

[illegible]

[illegible]			[illegible]			[illegible]			[illegible]		
1) [illegible]	[illegible]		1)			1)			1)		
2) [illegible]		[illegible]	2)		[illegible]	2)		[illegible]	2)		
3) [illegible]			3) [illegible]			3) [illegible]			3) [illegible]		
4) [illegible]			4)			4)			4)		
5) [illegible]	[illegible]		5)	[illegible]		5)	[illegible]		5)	[illegible]	
6) [illegible]	[illegible]		6)			6)			6)		
7) [illegible]			7)			7)			7)		
8) [illegible]			8)			8)			8)		
9) [illegible]			9)			9)			9)		
10) [illegible]			10)			10)			10)		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]			[illegible]			[illegible]			[illegible]		
[illegible]			[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Sd/ R. B. Saswihalli — Sd/ J. B. Shambhag

Sd/ S. S. Malimath. 21-1-44.

Sd/ K. K. Patil. Sd/ S. R. Malapur. Confirmed by Uttarpanhalli Comparatively Accepted Clerk of Tribunal

Sd/ B. L. Patil. Sd/ G. D. Sramani. Pl.

Copy was applied for (on person) on the fourteenth 14th Feb. 44.

67

Clerk of the Court

Above ready for delivery on the Eighteenth 18th Feb 44.

Clerk of the Court.

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07 →

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It was delivered on the Sixth (6th) day of March 1944

Clerk of the Court

[illegible] తేదీ నాటి G.O. [illegible] ప్రకారం [illegible] కి.శ.

F.D. No. [illegible] Dt. [illegible] [illegible] తేదీన [illegible]

[illegible] (attendance allowance) [illegible] [illegible]

[illegible] G.O. [illegible] [illegible] [illegible]

[illegible] G.O. [illegible] [illegible] [illegible]

[illegible] (periodically recurring rights) [illegible]

[illegible]

3) [illegible] — [illegible] [illegible]

[illegible]

4) G.O. [illegible] [illegible]

[illegible] —

5) [illegible] — (1) [illegible]

[illegible] (White Collar) [illegible]

[illegible]

([illegible])

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

[illegible]

Sd. N. B. Sasvikulli
Kurkum

Seal

Sd. V. B. Shanbhag
First Class Engineer

Sd. S. S. Mallikarjuna
[illegible]

Sd. K. K. Patil
[illegible]

21/1/44 Sd. B. L. Patil
Sd. G. D. Hiremani
[illegible]

Sd. S. R. Malapur
[illegible]
21/1/44

[illegible]

[illegible]

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Twenty first (21) day of February 1944

Clerk of the Court

The date on which it was delivered

Clerk of the Court

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0-6-0
0-1-0
1-14-0

కలిగియున్నవి. ఆర్థికశాఖ తీసుకున్న నిర్ణయాలు కొన్ని.

1. ఉద్యోగులు. ఆర్థికశాఖ పరిధిలో ఉన్నప్పటికీ కొంతకాలం క్రితమే ఉత్తర్వులు

2. ఆర్థిక సం. 1980 నుండి 1980 నుండి

1980-81-82 10-3-82 నుండి 18-4-82

హాజరు భత్యం (attendance allowance)

నెలలో పనిచేసిన రోజులకు మాత్రమే. నెలలో ఎన్ని రోజులు 1-2-3 తేదీలకు

కొంత 1-2-3 తేదీల నెలలో పనిచేసినవారు ఉద్యోగులకు

కేటగిరీవారీగా నిర్ణయించబడ్డాయి. నెలలో ఎన్ని రోజులు అనే

నాలుగు కేటగిరీలు ఏర్పరచారు. వారికి హాజరు భత్యం చెల్లించారు.

2) రాష్ట్రప్రభుత్వ - కేంద్రప్రభుత్వం ఎన్నికల సంఘం నిర్ణయించిన

నెలవారీ జీతాలు పెంచడం జరిగింది. ఇందులో ఉద్యోగులు

నూతనంగా చేరుతున్నప్పుడు పెంచిన జీతం ఇవ్వడం జరుగుతుంది

కనుక క్రమబద్ధంగా (Periodically recurring right) అని పేర్కొంటారు

దీనిని నిలిపివేయడం కుదరదు. కుదిస్తే కోర్టులు

3) నూతన 1-2-3 తేదీలకు అని కేటగిరీలు ఏర్పరచడం

[illegible] పనిచేసిన రోజులకు మాత్రమే కేటగిరీలు

4) రాష్ట్రప్రభుత్వ - ఉద్యోగులు కొన్ని రోజులు పనిచేసి

కొన్ని రోజులు విశ్రాంతి తీసుకుంటారు. 4 రోజులు

కేటగిరీలు ఏర్పరచడం జరిగింది. నూతనంగా 1, 2, 3 పనిచేసిన 4 రోజులు

అని కేటగిరీలు ఉంటాయి.

5) నూతన పథకం - (ఉ) నూతన పథకం కింద కొన్ని పథకాలు

నిలిపివేయడం జరిగింది. కేంద్రప్రభుత్వం నిధులు ఇవ్వకపోవడం

వల్ల నూతన పథకాలు (Ultra vires) కిందకి అని పేర్కొంటారు

దీనివల్ల పథకాలు కుదించడం జరిగింది. కొన్ని పథకాలు

ఉద్యోగులు నష్టపోయారు. ఇందులో నిధులు కేటాయించకపోవడం వల్ల

(१) [illegible] के [illegible] के [illegible] के

The date on which the copy was ready for delivery

Fourteenth (14) Feb 1944

The date on which it was delivered

Twenty first (21) Feb 1944

The date on which it was sent to the Clerk of the Court

The 25th March 1944

Clerk of the Court

470+25=2

1-7-0
0-6-0
0-1-0
1-14-0

మూలాంతేయుడు
దస్తావేజుదారులు

ధారవాడ గనులవారు నాలుగు కొండలు తీసుకొన్న
మునిసాంతారావుగారి మీద
లాంబాయి చేసుకొన్న దావా నెం. 232 లో గల్గిన
కేసు లోపల పిటిషన్లు, అప్పీళ్లు, రివిజన్లు వగైరా
మరియు 10 మంది ప్రతివాదులు చేసుకొన్న కౌంటర్ క్లెయిమ్
లు

1. ధి. తారవాడ కొండలు మునిసనాథాచార్యులు మరియు
ఆయన కుటుంబీకులు ధారవాడ
2. ధారవాడ మున్సిఫు అధికారి మునిసనాథాచార్యులు నిర్మించి
కొండపై మరియు కోర్టు మరియు కుటుంబీకులు ధారవాడ
3. ఆర్థికశాస్త్ర పట్టభద్రులు ధారవాడ పోస్టు మాస్టరు మునిసనా
థాచార్యుల కొడుకు కొండపై ధారవాడ
4. మునిసాంతారావు (ఇతర వివరాలు)

ఇతర ప్రతివాదులు

వివరాలు తరువాత ఇవ్వబడును

వాదులు తరఫున న్యాయవాదులు

వాది తరఫున వాదులు కలిగి ఉన్నారు:-

1. మునిసాంతారావు కొండపై లభ్యమైన ఖనిజాలు తమ
వి అని వాదించి తమ కొండపై గనులు తవ్వి
లాభాలు పొందుతున్నారు గనులు తవ్వి

[illegible]

[illegible]

[illegible]

[illegible] తప్పనిసరి [illegible]
[illegible] పేర్కొన్న [illegible]
[illegible] నిర్ణయిస్తాను.

(ఇ) [illegible] తగిలిన [illegible]
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[illegible] గారు [illegible]
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(లంచం తీసుకున్న నాలుగు మంది [illegible])

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Clerk of the court

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79

Sd/ T.B. Slaubhag
C. Subjudge
21-1-44.

Sd/ R.B. Saswikalli
[illegible]

Sd/ S.S. Malimath
[illegible]

Sd/ R.G. Hiregoudar
[illegible]

Sd/ B.L. Patil
[illegible]

Sd/ S.R. Malapur
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21-1-44.

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81

Fourteenth — 14th. February

Twenty first 21 February 44

Clerk of the Court

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[illegible]

(1) [illegible]

(2) [illegible]

(3) [illegible]

[illegible]

ಈ ಗ್ರಂಥದಲ್ಲಿ ಕೆಲವು ವಿಷಯಗಳನ್ನು ಕುರಿತು ಸ್ಪಷ್ಟತೆಯನ್ನು ಕೊಡಬೇಕಾದ ಅವಶ್ಯಕತೆ ಇದೆ. ಗ್ರಂಥದ ಕೆಲವು ಭಾಗಗಳು ಅಸ್ಪಷ್ಟವಾಗಿವೆ. ಗ್ರಂಥದ ಕೆಲವು ಭಾಗಗಳು ಅಸಂಬದ್ಧವಾಗಿವೆ ಎಂದು ಕೆಲವರು ಹೇಳಿದ್ದಾರೆ. ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ ಬಂದಿರುವ ಸಂ. ಇ.ಆ.ದ. ಗ್ರಂ/ಸಂ-3-ಗ್ರಂ, ಗಂ-3-ಗ್ರಂ ಮತ್ತು ಗಂ-ಇ-ಗ್ರಂ ಇತ್ಯಾದಿ ಸಂಕೇತಗಳು ಸಂಬಂಧಿಸಿದಂತೆ ಅಲ್ಪಸ್ವಲ್ಪ ಅಭಿಪ್ರಾಯಗಳು ಕೆಲವರಲ್ಲಿ ಇದ್ದು, ಇದರ ಬಗ್ಗೆ ಸ್ಪಷ್ಟತೆ ಕೊಡಬೇಕಾಗಿದೆ. ಇವರ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಕೆಳಕಂಡಂತೆ ಕ್ರೋಢೀಕರಿಸಬಹುದಾಗಿದೆ.

1) ಗ್ರಾಮ್ಯದವರಾದರೂ ಆದೇಶಗಳಾದುದರಿಂದ ಅವುಗಳು ಕಾಲಕಾಲಕ್ಕೆ ಸಂಭವಿಸುತ್ತವೆ. ಆದರೆ ಅವುಗಳು ಕೆಲವು ಕಾಲಕ್ಕೆ ಮಾತ್ರ ಸ್ಥಗಿತಗೊಂಡು ಮತ್ತೆ ಮುಂದುವರೆಯುತ್ತವೆ (periodically occurring night) ಅಂದರೆ ರಾತ್ರಿ ಆಕಾಶದಲ್ಲಿ ಕಾಣದಂತೆ ಕಣ್ಮರೆಯಾಗಿ ಮತ್ತೆ ಕಾಣಿಸಿಕೊಳ್ಳುತ್ತವೆ.

2) ಗ್ರಾಮ್ಯರಲ್ಲಿ ಕೆಲವರು ಅಕ್ಷರಜ್ಞಾನವನ್ನು ಪಡೆದಿದ್ದು ಅವರಲ್ಲಿ ಅಂಥವರ ಸಂಖ್ಯೆ ಹೆಚ್ಚಾಗಿದ್ದು ಅವರು ಸ್ವಲ್ಪ ಮಟ್ಟಿಗೆ ಸ್ವಾಭಿಮಾನಿಗಳಾಗಿದ್ದು ಅವರಲ್ಲಿ ಸ್ವಾತಂತ್ರ್ಯ ಮನೋಭಾವ ಬೆಳೆದಿದೆ.

3) ಗ್ರಾಮ್ಯರಲ್ಲಿ ಕೆಲವರು ಆಕ್ಷೇಪಕಾರಿಯಾದ ಕಾಗದಪತ್ರಗಳನ್ನು ಬರೆದಿದ್ದರು ಅವುಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಕಳುಹಿಸಿದ್ದು ಅವರ ಮೇಲೆ ಸರ್ಕಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿದೆ.

4) ಗ್ರಾಮ್ಯರಲ್ಲಿ ಕೆಲವರು (ಇ) ಮಾಹಿತಿ ತಿಳಿದುಕೊಳ್ಳುವ ಕುತೂಹಲದಿಂದ ಕೆಲವು ಸಂದೇಶಗಳನ್ನು ಸ್ವೀಕರಿಸುವ ಸಲುವಾಗಿ ಅಲ್ಟ್ರಾ ವೈರ್ಸ್ (ultra wires) ಮೂಲಕ ಮಾಹಿತಿಯನ್ನು ಕಳುಹಿಸುವವರ ಬಗ್ಗೆ ಮಾಹಿತಿ ಮತ್ತು ವಿಚಾರಣೆಯನ್ನು ಮಾಡಿ ಸಂಬಂಧಪಟ್ಟವರು ಸಂದೇಶಗಳನ್ನು ಕಳುಹಿಸುತ್ತಿದ್ದರು.

(ಬಿ) ಗ್ರಂಥದಲ್ಲಿ ಕೆಲವು ಸಂಗತಿಗಳು ಅಸ್ಪಷ್ಟವಾಗಿದ್ದು ಅವುಗಳ ಬಗ್ಗೆ ಸ್ಪಷ್ಟತೆ ಕೊಡಬೇಕಾಗಿದೆ.

[illegible]

(ಶ) [illegible]

[illegible] ಶ್ರೀ ಎ. ಎ. [illegible] ಗೆ ಸಂಬಂಧಪಟ್ಟ ಗ್ರಾಮಗಳ ಪ್ರಕರಣದ [illegible] ಅಂದರೆ ಅಂದರೆ ಅಂದರೆ [illegible] ಶ್ರೀ B. R. [illegible] ಅವರ [illegible] ಗ್ರಾಮಗಳ [illegible] 13 [illegible] ಶ್ರೀ B. L. [illegible] [illegible] ಅವರ [illegible] ಅವರ [illegible]

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Sd/ N. B. Sasvihalli
Sd/ T. B. Shanabhag
21-1-44.

Sd/ S. S. Malimath

Sd/ D. G. Hiregoudar.

Sd/ B. L. Patil

Sd/ S. R. Patil.

21-1-44.

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Compared by

C. S.

True copy

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Fourteenth (14) Feb 44 85

Twenty first (21) Feb. 44.

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మూలధనాదేయములు

కరువుమీద అప్పు

ధారణాధన నిధి మరియు వీరి భార్యలకు చెల్లింపబడినది

యుద్ధం ధారణాధన ఉంది

అనాథ బాలల చదువు నిమిత్తం కరువు నిధి చేర్చబడినది

మళ్ళీ శేషం మళ్ళీ మీద చెప్పిన బ్యాలెన్సు కలపడమైనది. మరియు

ఉద్యోగస్థులు గ్యాంబుల్స్ నిధి నాకు నష్టధారణాధన

మరి

1. ధారణాధన పరిశీలనమునకు చేరిన ఉద్యోగి భార్య లేక నిరాశ్రయ మహిళలకు ధారణాధన
2. ధారణాధన చూడగోరి దరఖాస్తు మరణించిన సైనికుల భార్యలు పిల్లలకు తగిన ఉద్యోగ భర్తల మరణించిన సైనికుల ధారణాధన
3. ఉద్యోగి లేక అతని తదనంతర ధారణాధన ఎల్.ఐ.సి. మరణించిన సైనికుల పిల్లలకు ధారణాధన
4. మరణించిన సోల్జర్ (రిటైర్డ్ సోల్జర్స్)

తదితరులు అందరికి

పిల్లలకు అందించు 1-7-0 లక్షలు —

పిల్లలకు అందించు 1-7-0 లక్షలు —

అనాథలకు అందించు 0-1-0

అనాథలకు అందించుటకు ఉద్దేశించబడినవి:—

1. అనాథలు మరియు వారి తల్లిదండ్రులు లేని పిల్లలు వారి తల్లిదండ్రులు కష్టపడి సంపాదించిన నిధి నిధిని తీసుకొని వారి పిల్లలకు ఇవ్వడం
2. మరణించిన సైనికుల పిల్లలకు చదువు నిమిత్తం ఉపయోగించడం

దలు. అందులో గత 3 రకాలంత మోసాలు కాకుండా శక్తిని బట్టి మోసాలు.
వీటి గత్యంతరం ఉల్లంఘనలు జరిగితే నోటీసు ఇవ్వకుండా నోటీసు కాలపరిమితి
తక్కువ బాధితులకు జి. ఓ. ఆర్. నెం. 470/18-3-14, గం. 3-74
ఎప్పుడు ఉద్యోగులకు జీతాలు చెల్లించబడుతుంది? నెలవారీ జరుగుతుంది గనుక
అలవెన్సు (allowance allowance) కలుపుకుని బాధితులకు నెలవారీ
అలవెన్సు ఎప్పుడు 1-9-3 వ తారీఖు. నెలరాగానే చూసుకోవడం
అంటున్నారు చదివింపబడి. తా. 1-19-30 నాడు నెలవారీ అలవెన్సు కలుపుకుని
చదివి నిల్వని ఉన్నారు. కారణం నెలవారీ అలవెన్సు ఎప్పుడు
కు రాలేదు కనుక

రాబోయే కారణం. ఏమి కారణం అంటే అలవెన్సు కలుపుకోవడం
నిల్వని నడుపుతూ కాలాతీతాలతో లంచం తీసుకున్నట్లు బాధితులు. అదే
లంచం తీసుకోకపోతే కాలాతీతమవుతుంది చేసి: చేసి: లంచం తీసుకోగలరు
కేస్తున్నారు. (Periodically recurring right) ఉద్యోగులకు చదివింపు
వేస్తున్నారు నిలుపుకోవటానికి అంటే కుదరకపోతే చదివింపు చదివి ఉన్నారు.

3. రాబోయే అధికారం - కుదరకపోతే ఆర్థికపరమైన కాస్త కష్టపడి
అలవెన్సు కాకుండా ఉద్యోగులు కలుపుకుని కలుపుకుంటే
ఉన్నారు. ఎప్పుడు అయితే కాకుండా ఉద్యోగులు ఉన్నారు

కలుపుకుంటున్నారు :—

(అ) లంచం తీసుకోకుండా రాబోయే అలవెన్సులను నిల్వని కలుపుకుని
గత్యంతరం లేకపోతే ఎప్పుడు అనధికారం దానినకాకుండా (ultra vires)
కి పాల్పడుతున్నారు అనేవి ఎప్పుడు ఎప్పుడు కాకుండా
ఎప్పుడు కాలాన్ని అనుసరించి లంచం తీసుకుంటున్నారు
అన్నట్లు.

(బ) లంచం గం. 1-19-30 నాడు రాబోయే 2 నెలలకు నెలవారీ నిల్వని
నడపకపోతే లంచం తీసుకోకుండా అలవెన్సు తీసుకుంటున్నారు
అన్నట్లు. కారణం ఏమిటంటే ఎప్పుడు ఆర్థికపరమైన కష్టం
రాకుండా ఉండటానికి నడపకపోతే. ఆ తప్పుకు చేసినందుకు ఫలితం

[illegible]

(ద) [illegible]

[illegible] T.B. [illegible]

[illegible]

[illegible]

[illegible]				[illegible]			
1 [illegible]	3	0	0	[illegible]	0	[illegible]	
2 [illegible]	0	[illegible]	[illegible]	[illegible]	1	0	0
3 [illegible]	0	0	0	[illegible]	0	[illegible]	
4 [illegible]	0	0	0	[illegible]	[illegible]	0	0
5 [illegible]	13	0	0	[illegible]	0	0	0
6 [illegible]	7	0	0	[illegible]	0	0	0
7 [illegible]	0	0	0	[illegible]	0	0	0
8 [illegible]	0	0	0	[illegible]	0	0	0
9 [illegible]	0	0	0	[illegible]	0	0	0
10 [illegible]	0	0	0				
11 [illegible]	0	0	0	[illegible]			
				[illegible]	1	0	0
[illegible]	[illegible]	17	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]	0	5	0	[illegible]	0	0	0
[illegible]	1	5	0	[illegible]	1	5	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible] minimum	1½	0	0	[illegible] minimum	1½	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	0	0	0	[illegible]	0	0	0
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[illegible]	1½	0	0	[illegible]	1½	5	0
[illegible]	1	5	0	[illegible]	1	5	0
[illegible]	1½	5	0	[illegible]	1½	0	0

[illegible]

Sd/- J.B. Shaubhag
P.C. Subguru
21-1-44

Sd/- M.B. Saswikale
[illegible]

Sd/- Y.Y. Malimath
[illegible]

Sd/- J.G. Hiregoudar
[illegible]

Sd/- G.L. Tolar [illegible]

Sd/- S.R. Malapur
[illegible]
21-1-44

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Trankeeta 7 Feb 44 (14)

89

Thirty first (31) February 44

170+175×2

1-7-0
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1-14-0

Recd on March 1944

యుద్ధాలు మొదలయ్యాక ... 330/- రూ.

ధాన్యాల ధరనోటీసు కన్నా బట్టి కూలీ పెరిగి

యుద్ధానికి ధాన్యాల అమ్మకం

రాష్ట్ర పాలన చేపట్టిన తరువాత 330 రోజుల్లో

రంగూన్ రాజధాని నేటి కాలంలో ఎలా మారాయి

ఉత్పత్తి గణాంకాలు తగ్గిన ధాన్యాలు

అలా

1. ధాన్యాల ఉత్పత్తి యుద్ధానికి పూర్వపు స్థితి కి తగ్గి అధిక శాతం ధాన్యాలు
2. ధాన్యాల అమ్మకాలు అధికారులు యుద్ధానికి పూర్వపు స్థితి కి తగ్గి యుద్ధానికి ధాన్యాలు
3. ఉత్పత్తి తగ్గి అధిక శాతం ధాన్యాలు బి.ఎ. యుద్ధానికి పూర్వపు స్థితి కి తగ్గిన ధాన్యాలు
4. యుద్ధాలకు ప్రాంత (పి.వి.బి.ఎస్)

బియ్యపు అమ్మకం 1 కి 5 గా మారి యున్నది

పి.బి.వి.ఎస్ అమ్మకం 1 కి 5 గా మారి యున్నది.

రాష్ట్ర పరిపాలన

బ్యాంకు అధికారులు ఏర్పరచినది: ఎస్.కె.ఎం.

1. యుద్ధాలకు నిరోధాన్ని పెట్టి పాలకులను నియమించాలి

వ్యాపారులు కొనుగోలు చేసిన నాణ్యత గల బియ్యాన్ని

ఎక్కడా కూడా ఒక్క పైసా కూడా ఇవ్వకుండా ఉత్పత్తి చేయడం

[illegible] నిర్ణయించబడినవి కావు.

నన్ని గత్తి చేయబడుతున్నవి దీర్ఘకాలమైన తరువాత ఈ పరిస్థితుల్లో [illegible] పంపిణీ చేయబడినవి. ఇ. ఆర్. నెం. 3-6-నోటి. నెం. 140/24-3-24 నాటి జి.ఓ. ఎం.ఎస్. 3 ప్రకారం 1-6-1994 నాటికి ప్రభుత్వ కార్యాలయములు నిరర్థకమైపోయి నదర్శించబడుతున్నవి కాబట్టి వాటిని ఎలా నిర్వహించాలో తెలియక ఇబ్బందులు పడుతున్నారు. నిరర్థకమైన శాసనాలను 1913 నాటి లా కమిషన్ రిపోర్టు ఎం.ఎస్. 1-11-30 లో శాసనాలను నిరర్థకమైనవి అని ప్రకటించి వాటిని రద్దు చేయవలసినదిగా సిఫారసు చేసినారు. ఆదేశాలు నిరర్థకమైన చట్టాలను ఈ విధంగా ఈ రోజు వరకు వుంచారు.

3) కాబట్టి ఆ కాలం-ఈ రోజు వరకు అర్థరహితమైన కారణం కాకుండా శాసనాలు స్థానాలలో రద్దు చేయబడిన భాగాలు మరియు పరిపాలనా పరమైన శాసనాలు తొలగించబడినవి. ఇప్పటికీ ఆ భాగాలు ఉపయోగపడుతున్నవి.

3) వాటిని పరిశీలించాలి (a) వాటిని రద్దు చేయడానికి కారణం కలిగిన్నప్పుడు నిర్ణయించిన ఏ గడువు శాసనాలకు కాకుండా కాలపరిధి (ultra vires) కి లోబడి వున్నందున వీటిని చదివినట్లు భాగాలు వాటిని మరియు దీర్ఘకాలం ఉపయోగించకపోవడం వలన నిరర్థకమైన తర్వాత.

(b) ఎం.ఎస్. 1-11-30 నాటి లా కమిషన్ నివేదిక ప్రకారం ప్రత్యేక కారణాలు లేకుండా కలిగి వున్నప్పుడు రద్దు చేయబడినవి. కంటెంపరరీ రెలెవెన్సీ లేకపోవడం వలన ఆర్థికపరమైన ప్రత్యేక కారణాలు లేకపోవడం వలన, భవిష్యత్తు నివారణలు ఆర్థికపరమైన

[illegible] పరుగుల [illegible] నమోదు [illegible] [illegible] [illegible]

[illegible]	0	5	0	[illegible]	0	0	0
[illegible]	1	0	0	[illegible]	1	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	17	0	0	[illegible]	17	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	0	0	0	[illegible]	0	0	0
[illegible]	17	5	0	[illegible]	17	5	0
[illegible]	1	0	0	[illegible]	1	5	0
[illegible]	17	5	0	[illegible]	17	0	0

[illegible]

Sd/ N.B. Sabarikalli
[illegible]

Sd/ T.B. Shambhagi
[illegible]
21-1-44.

Sd/ R.N. Patil
[illegible]

Sd/ S.R. Malapur
pleader for Deft
21-1-44

Sd/ C.R. Honnapurmath
[illegible]

[illegible]

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Taluka Office [illegible]

Fourteenth February 1944.

Twenty first February 1944.

Court. No. 93

470 + 250x2

1-7-0.
6-0
0-1-0
1-14-0

[illegible]

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]

[illegible]

[illegible]

2. [illegible]

3. [illegible]

(1) [illegible] (ultra viruses) [illegible]

(2) [illegible]

[illegible]

[illegible]

[illegible]

Sd/ N. B. [illegible] Sd/ T. B. Shanabhag.
[illegible] [illegible]
21-1-44.

[illegible] Sd/ S. S. Malimath

[illegible] M. Patil.
Pl.

[illegible] Sd/ C. G. Hanagandimath
Pl.

[illegible] Sd/ S. R. Malapur.
Govt. P.

21.1.44.

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97

Twelfth — 14th February

Twenty third — 23rd February 1944

470 + 250 x 2 — The Dix (6) 45 — The 23rd 1944

1-7-0.
6-0
0-7-0
1-14-0.

ಮಾನ್ಯರೆ ಮುಖ್ಯಮಂತ್ರಿಗಳವರೆ ಮತ್ತು ಸಚಿವರುಗಳವರೆ. ಈ ಕಾರ್ಯಾಲಯದ ನಡೆಸುವಿಕೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳವರು ಮಾಡಿದ ಸೂಚನೆಗಳು ಹಾಗೂ ಕಾರ್ಯಾಲಯದ ಮೇಲುಸ್ತುವಾರಿಯಲ್ಲಿ ಸಂ. 33 ಕ್ಕೆ ಸೇರಿದ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

ಕೆಳಕಂಡಂತೆ ಕೆಲಸಗಳನ್ನು ಮಾಡಲಾಗಿದೆ ಹಾಗೂ ಮುಂದಿನ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಳ್ಳಲಾಗುವುದು.

ಆಯವ್ಯಯ

(1) ಕಾರ್ಯಾಲಯ ಮೇಲ್ವಿಚಾರಣೆಯಲ್ಲಿ ಮಾರ್ಚ್ ತಿಂಗಳ ಅಂತ್ಯದಲ್ಲಿ ಕೈಗೊಳ್ಳಲಾಗುವುದು.

(2) ಕಾರ್ಯಾಲಯ ಮೇಲ್ವಿಚಾರಣೆ ಮತ್ತು ಕಾರ್ಯಾಲಯ ಮೇಲ್ವಿಚಾರಣೆಯ ಇತರ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಳ್ಳಲಾಗುವುದು.

(3) ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಮೇಲ್ವಿಚಾರಣೆ ಕಾರ್ಯಾಲಯ. ಎಲ್.ಎ. ಮೇಲ್ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಳ್ಳಲಾಗುವುದು.

(4) ಮೇಲ್ಮಾಯ ನ್ಯಾಯಾಲಯ (ಅನ್ವಯಿಸುವುದು)

ಶ್ರೀ ಎಂ. ಎ. ಮೇಲ್ವಿಚಾರಣೆ ಸಹಾಯಕ ಕಾರ್ಯದರ್ಶಿ
ಶ್ರೀ ಕೆ. ಸಿ. ಮೇಲ್ವಿಚಾರಣೆ ಸಹಾಯಕ ಕಾರ್ಯದರ್ಶಿ

ಕಾರ್ಯದರ್ಶಿಗಳು
ಇ.ಸಿ.ಎ.

ಮಾಡಿರುವ ಕಾಮಗಾರಿಗಳು: (೧) ಮೊಂಬತ್ತು
ಕೆರೆಗಳ ಅಭಿವೃದ್ಧಿ ಕಾಮಗಾರಿ. ನಿರ್ಮಾಣಗೊಂಡಿರುವ
ಕಾಮಗಾರಿಗಳ ಪೈಕಿ ಗುಣಮಟ್ಟದ ಕೆಲಸ ಕೈಗೊಂಡಿರುವ
ಕೆಲವು ಕೆರೆಗಳು. ಮೊಂಬತ್ತು ಗುಣಮಟ್ಟದ ಕೆಲಸ ಕೈಗೊಂಡ
ಕೆರೆಗಳ ಪೈಕಿ ಮಾಡಿರುವ ಕೆಲಸ. ಗುಣಮಟ್ಟದ ಕೆಲಸ
ಸಂಬಂಧಿಸಿದಂತೆ ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ ಆಇ. ಆನಿ. ಇ-೧ ಸಂ/ಸಂಖ್ಯೆ/೫೪-೨೨೪
ಸಂಬಂಧಿತ ಕೆಲಸ ಮಾಡಿರುವ ಕೆ. ಆನಿ. ಇ-೧ ಸಂ/ಸಂಖ್ಯೆ/೫೪-೨೨೪
ಸಂಬಂಧ ಗಂ-೩-೨ ಕೆರೆ ಗಂ-೬ ಕೆರೆ ಕೈಗೊಂಡ ಕೆಲಸಕ್ಕೆ
ಕೆರೆಗಳ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಾಮಗಾರಿಗಳನ್ನು
ಗುಣಮಟ್ಟದಲ್ಲಿ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ. ಕೆರೆಗಳ
ಅಭಿವೃದ್ಧಿಯಲ್ಲಿ ಕೆರೆಗಳ ಸರ್ವೆ ಮಾಡಿರುವುದಿಲ್ಲ
ಮತ್ತು ಗುಣಮಟ್ಟದ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಳ್ಳದೆ
ಅಂದ ಕೆಲಸ ಮಾಡಿರುವ ಕೆಲಸಗಳಿಗೆ
ಕೈಗಾಗಿರುತ್ತದೆ.

(೨) ಕಾಂಕ್ರೀಟ್ ಕಾಮಗಾರಿ ಅಳತೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ
ಕಾಂಕ್ರೀಟ್ ಮಿಕ್ಸರ್ ಯಂತ್ರದಲ್ಲಿ ಮಾಡಬೇಕಾದ
ಸ್ಥಳದಲ್ಲಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಮತ್ತು ಕೆಲವು
ಇದಕ್ಕೆ ಕೈಗೊಂಡಿರುತ್ತದೆ

(೩) ಕಾಂಕ್ರೀಟ್ ಕಾಮಗಾರಿಗಳಲ್ಲಿ (೪) ಕಾಂಕ್ರೀಟ್
ಮಿಶ್ರಣಕ್ಕೆ ಬೇಕಾದ ಸ್ಟೋನ್ ಚಿಪ್ಸ್ ಕಾಂಕ್ರೀಟ್ ಮಿಶ್ರಣ
ಮಾಡಿದ ಕೂಡಲೆ ಅದರಲ್ಲಿ ಸಿಮೆಂಟ್ ಮಿಶ್ರಣ
(ultra vires) ಮಾಡಿರುವುದರಿಂದ ಕೆಲಸ ಗುಣಮಟ್ಟದ
ಬಗ್ಗೆ ಅನುಮಾನ ಕೆಲಸ ಮಾಡಿರುವುದಿಲ್ಲ. ಕೆಲ ಮಾಡಿರುವ
ಕೆಲಸಗಳು ಪರಿಶೀಲನೆಗೆ ಒಳಪಡಿಸಿದೆ

(೫) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂ. ಆಇ-೧-೧೨-೩೦.೧೦೧ ಕಾಮಗಾರಿಗಳಿಗೆ
ಕಾಲ ಕಾಲಕ್ಕೆ ಕೆಲಸ ಪ್ರಗತಿಯಲ್ಲಿರುವ ಬಗ್ಗೆ ಮಾಹಿತಿ
ಕೊಡಬೇಕಾದ ಪ್ರಗತಿ ಪರಿಶೀಲನೆ ಮಾಡಿರುವುದಿಲ್ಲ ಕೆಲಸ
ಮಾಡಿರುವ ಬಗ್ಗೆ ಸರಿಯಾದ ಮಾಹಿತಿ ಕೊಡಬೇಕಾದ
ಮೇಲ್ವಿಚಾರಣೆ ಮಾಡಿರುವುದಿಲ್ಲ. ಕೆಲಸ ಮಾಡಿರುವ
ಕೆಲಸಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕೆಲಸಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ
ಕೆ.ಆರ್.ಡಿ.ಎಲ್ ಕೆಲಸ ಮಾಡಿರುವ ಕೆಲಸಗಳು ಸರಿಯಾಗಿ

ಆದೇಶವು ಹಾಗೆ ಆಗಬೇಕು: (೧) ಮೂಲಾಂಶ ಕರ್ನಾಟಕ ಸಾಮ್ರಾಜ್ಯ ಶಾಸನಗಳು ನಿಕಟಾಂಶಗಳನ್ನು ಕೂಡಿಸಿ ಹಾಗೆಯೇ ಒಂದೇ ಕಾಲದ ಗಣ್ಯ ಕೈಲಾಸ ಪ್ರಾಂತ್ಯ. ಅಂತೆಯೇ ಸ್ಥಳಗಳು. ಮತ್ತು ಗಣ್ಯ ಕಾಲದ ಮೂಲ ಶಾಸನ ಪ್ರತಿಯ ಸ್ಥಳ ಪ್ರಾಚೀನ ಪ್ರಾಚೀನಾಲಯ ಸಂ. ಗಣ್ಯ ಕಾಲದ ಹೊರ ಸ್ಥಿತಿಕ ಶಿಲ್ಪ ಸಂಪುಟ್ಟಿನ ಪಿ. ಆರ್. ಸಂ. ೩-೧-೧/೫೯-೨೨೪ ಸಂಖ್ಯೆ ೧೦-೩-೨ ಮತ್ತು ೧-೬-೨ ಕೈಪ್ರತಿಗಳ ಸೂಚನೆಯ ಪ್ರಕಾರ ಮೂಲಾಂಶ ಪ್ರತಿಯ ಸ್ಥಳ ಕಾಲ ಬೇರೆಯದು ಗಣ್ಯ ಕೃಷ್ಣಾಲಯ ಹಂಪೆಯ ಹೊರಗೆ ಸಿಕ್ಕಿದ್ದು. ಕಾರಣ ಪ್ರಾಚೀನಾಲಯಕ್ಕೆ ಕಾರ್ಯಾಲಯ ಸಂಖ್ಯೆ ಕೊಟ್ಟಿರುವುದು ಸರಿಯಾದ ಕ್ರಮ ಹೊರಗೆ ಸಿಕ್ಕಿದ ಶಾಸನಗಳನ್ನು ಕೂಡಿಸಿ ಹಾಗೆ ಬೇರೆ ಬೇರೆ ಕಾಲದ ಶಾಸನಗಳನ್ನು ಕೂಡಿಸಬಾರದು.

(೨) ಕಾಲಾನುಕ್ರಮ ಕುರಿತಾದ ಅಭಿಪ್ರಾಯಗಳು ಸಂಶಯಾಸ್ಪದ ಪ್ರಾಚೀನ ಶಾಸನಗಳ ಬಗ್ಗೆ ಸಂಶೋಧಕರಲ್ಲಿ ಭಿನ್ನಾಭಿಪ್ರಾಯ ಕೊಟ್ಟಿದೆ. ಸಂಸ್ಕೃತಿಯ ಬಗ್ಗೆ ಇನ್ನೂ ಮೇಲು ಕೆಲಸ ಮಾಡಬೇಕು.

(೩) ಶಾಸನಾಂತರಂಗ ಕಾರಣದಿಂದ (೪) ಶಾಸನ ಮೂಲಕ ಕೊಟ್ಟಿರುವ ಸ್ಥಳದಲ್ಲಿ ಪ್ರಾಚೀನ ಕಾಲದಲ್ಲಿ ಕಲ್ಲಿನ ಕೆಳಗೆ ಅಥವಾ ಕಲ್ಲಿನ ಮೇಲೆ ಅಳವಡಿಸಿದ ಶಾಸನಗಳು (ultra vires) ಅಂದರೆ ಅಧಿಕಾರ ಮೀರಿದ ಸ್ಥಳಗಳಲ್ಲಿ ಅಳವಡಿಸಿದ್ದರೆ ಅಂಥ ಸ್ಥಳಗಳನ್ನು ಪ್ರಾಚೀನ ಸ್ಮಾರಕಗಳೆಂದು ಪರಿಗಣಿಸಲಾಗುವುದಿಲ್ಲ.

(೬) ಸಂ. ೧-೧-೩೦ ರಂದ ಕಾಯಾಲಯದಲ್ಲಿ ಕಾಗದ ಪತ್ರಗಳ ಪ್ರಕಾರ ಕೆಲಸ ಮಾಡುವ ಕುರಿತು ಮೇಲಧಿಕಾರಿಗಳು ಕೊಟ್ಟಿರುವ ಸೂಚನೆಗಳನ್ನು ಅನುಸರಿಸಿ ಕೆಲಸ ಮಾಡಬೇಕೆಂದು ಕೆಳಗಿನ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ತಿಳಿಸಲಾಗಿದೆ.

ಅಂದರೆ ಪ್ರಾಚೀನ ಸ್ಮಾರಕ ಕಾಯ್ದೆ ಪ್ರಕಾರ ಸರ್ಕಾರದ ಮೇಲಧಿಕಾರಿಗಳ ಅನುಮತಿ ಪಡೆದು ಕೆಲಸ ಮಾಡಬೇಕು. ಕೆಲವು ಕೆಲಸಗಳು ಪ್ರಾಚೀನ ಕಾಯ್ದೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವುದಿಲ್ಲ.

ಶಿಕ್ಷಣ ಇಲಾಖೆ ಸೂಚನೆಯಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಿ.
(ಸಿ) ಮಾಹಿತಿ ಕೇಳಿದಾಗ ಒದಗಿಸಲಾಗಿರುತ್ತದೆ.

ಸದರಿ ಕಂಪನಿಯವರು ಸಂ. ಮತ್ತು ಇತರೆ ಸಿಬ್ಬಂದಿಗಳ ಸೇವೆ ಕುರಿತು ಕಾರ್ಮಿಕ ಇಲಾಖೆಯವರು ಕೈಗೊಂಡ ಕ್ರಮಗಳು ಮತ್ತು ಸದರಿ ಸಂಸ್ಥೆಯಲ್ಲಿ A-R. ಕಾಯಿದೆ ಅನ್ವಯ ನೋಂದಣಿಯಾಗಿರುವ ಸಂಸ್ಥೆಗಳ ಸಂಖ್ಯೆ ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳ ಸಂಖ್ಯೆ ಮತ್ತು ಸದರಿ ಸಂಸ್ಥೆಗಳಿಗೆ ಕಾರ್ಮಿಕ ಇಲಾಖೆಯಿಂದ ನೀಡಿರುವ ಸೂಚನೆಗಳು ಮತ್ತು ಕೈಗೊಂಡ ಕ್ರಮಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿ ಕೊಡಲು ಕೋರಿದೆ. ಈ ಸಂಬಂಧ ಸರ್ಕಾರದ ಅಭಿಪ್ರಾಯ ಮತ್ತು ಮಾಹಿತಿ ಕೊಡಬೇಕಾಗಿದೆ. ಕೂಲಂಕಷ ಪರಿಶೀಲಿಸಿ ಉತ್ತರಿಸಲು ಕೋರಿದೆ.

ಸದರಿಯವರ ಪತ್ರದ ಸಂಖ್ಯೆ ಸಂ. ಕಾಯಿದೆ ಅನ್ವಯ ನೋಂದಣಿಯಾಗಿರುವ ಸಂಸ್ಥೆಗಳ ಸಂಖ್ಯೆ ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳ ಸಂಖ್ಯೆ ಕುರಿತು

ಕೋಷ್ಟಕ ಅಂತಿಮ.

ಅಂಗಸಂಸ್ಥೆಗಳ ಹೆಸರು.				ನೋಂದಣಿಯಾದ ಸಂಸ್ಥೆಗಳ ಹೆಸರು.				ಸಿಬ್ಬಂದಿಗಳ ಸಂಖ್ಯೆ.				ಕೈಗೊಂಡ ಕ್ರಮ.			
[illegible]	[illegible]	-	-	[illegible]	[illegible]	-	-			-	-			-	-
[illegible]	-	-	-	[illegible]	-	-	-			-	-			-	-
[illegible]	-	-	-	[illegible]	-	✓	-	[illegible]	-	✓	-	-		-	-
[illegible]	-	-	-	[illegible]											
[illegible]	[illegible]	-	-	[illegible]	೧	✓	-	3.ಕಾ.ಇ.ಸ. ೧.	೧	✓	-	3 ಕಾ.ಇ.ಸ. ೧	೨	✓	-
[illegible]	[illegible]	-	-	[illegible]	-	-	-	೪	-	-	-	೪	-	-	-
[illegible]	೫	-	-	[illegible]	[illegible]	-	-	[illegible]	[illegible]	-	-	[illegible]	[illegible]	-	-
[illegible]	-	-	-	[illegible]	-	-	-	೬	-	-	-	೬	-	-	-
[illegible]	-	-	-	[illegible]	-	-	-	೭	-	-	-	೭	-	-	-
[illegible]	-	-	-	[illegible]	-	-	-	೮	-	-	-	೮	-	-	-
[illegible]	-	-	-	[illegible]	-	-	-	೯	-	-	-	೯	-	-	-
[illegible]	-	-	-	[illegible]	-	-	-	೧೦	-	-	-	೧೦	-	-	-
[illegible]	-	-	-	[illegible]	-	-	-								
ಒಟ್ಟು	[illegible]	✓		ಒಟ್ಟು	[illegible]	-	-	ಒಟ್ಟು	[illegible]	-	-	ಒಟ್ಟು	[illegible]	-	-

Copy was applied for on the 14th Fourteenth Feb. 1944

Clerk of the court.

101

It was ready for delivery on the Twenty first 21st Feb 1944

Clerk of the court

960

1-70

It was delivered on the [illegible] 1944

Clerk of the court

1-140

[illegible]

(ಸಮಾಪ್ತ)

(ಪ್ರ.ಸಂ.ಸ.ಕ.ಕ)

ಅರ್ಜಿದಾರ ಮತ್ತು ಅವರ ಎಲ್ಲ ಕಾರ್ಯಗಳನ್ನು ಕುರಿತು —

ಅಣ್ಣಾ ಸಾಹೇಬ ಗೂಳಪ್ಪ ಅಣ್ಣಿಗೇರಿ.

ಅಂದಾಜು ಕ್ಷೇತ್ರವು ಸರ್ವೆ ನಂಬರ 333 ರಲ್ಲಿದೆ. —

೧) ಅರ್ಜಿದಾರನ ತಿಳಿವಳಿಕೆಯಂತೆ ಸಾಮಾನ್ಯ ಅಳತೆ ಮತ್ತು ಕ್ಷೇತ್ರ ಸರ್ವೆ ಅಂದಾಜು ಅಳತೆ ——— ಅಳತೆ

೧) ಅರ್ಜಿದಾರ ಸಾಗುವಳಿ ಮಾಡುವ ಜಮೀನು ಅಥವಾ ಕಬ್ಜಾದಲ್ಲಿರುವ ಜಮೀನು ಅಳತೆ ಅರ್ಜಿದಾರ —

೨) ಅರ್ಜಿದಾರ ಹೆಸರಿನಲ್ಲಿ ಸಾಗುವಳಿ ಚೀಟಿ ಅಥವಾ ಕಬ್ಜಾ ಪತ್ರ ಅಳತೆ ಅಳತೆ ಅರ್ಜಿದಾರ —

೩) ಅಣ್ಣಾ ಸಾಹೇಬ ಗೂಳಪ್ಪ L. A. ಸಾಗುವಳಿ ಮಾಡುವ ಜಮೀನು ಅಳತೆ ಅರ್ಜಿದಾರ — ———

೪) ಸಾಗುವಳಿ ಕ್ಷೇತ್ರ (ಅ.ಸಂ.ಕ.ಕ) ——— ಅಳತೆ

ಸಾಗುವಳಿ ಅಳತೆ ಅರ್ಜಿದಾರ.

ಕ್ಷೇತ್ರ ಅಳತೆ ಅರ್ಜಿದಾರ.

ಅಣ್ಣಾ ಸಾಹೇಬ

ಸಾಗುವಳಿ ಮಾಡುವ ಜಮೀನು — ೧) ಸಾಗುವಳಿ ಮಾಡುವ ಜಮೀನು ಅಳತೆ ಅರ್ಜಿದಾರ

ಕ್ಷೇತ್ರ ಅಳತೆ ಅರ್ಜಿದಾರ ಸಾಗುವಳಿ ಮಾಡುವ ಜಮೀನು ಅಳತೆ ಅರ್ಜಿದಾರ

[illegible]

[illegible] G.R. E.R. No. [illegible] 28-3-[illegible]

[illegible]

[illegible]

(ಕಿರ್ದಿಯಾಂತರ)

105

The date on which the copy was applied for
in person
~~by post~~ 14th day of February 1944.
(Fourteenth)

Clerk of the Court.

The date on which it was ready for delivery
21st February 1944.
(Twenty first)

Clerk of the Court.

The date on which it was ~~delivered~~ ~~sent by post~~
the 21st day of March 1944

Clerk of the Court.

470+250x2
T-0
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1-14-0

1 copy
0-5-0 comp.
0-1-0 Pofo.
1-11-0

C Court No 334

పూర్వ పాలకులు తమ పాలనలో ఇచ్చిన (తి. గ్రా. తి. 2)
(గ్రామములోని సంబంధించిన పట్టాదారుల, తమ పట్టాల న.).

తీర్పు యొక్క సారాంశం

పట్టాదారుల నత్తం చేసుకొనుట కొరకు దావా వేయబడినది.

దావా ఇచ్చిన పట్టాదారుడు.

పై విధంగా దావా యొక్క సారాంశం సంబంధం 338 నియమానుసారము తీర్పు.

1. తగిన పరిహారం తగిలిన, పనిచేయుటకు తగిన శక్తి లేకుండా, పిచ్చివారు, బాలురు, బాలికలు, వారిని పట్టాదారుడు. — — — — — — } వారి.

తీర్పు

1. పట్టాదారుడు యొక్క నత్తం చేయుటకు బదులు ఇతరులకు లీజుకు ఇచ్చినట్లయితే యజమానుడు పట్టాదారుడు. — — — —
2. పట్టాదారుడు తన పట్టాలను ఉపయోగించి యజమానికి లీజుకు ఇచ్చిన తరువాత ఇతరులకు లీజుకు ఇచ్చినట్లయితే యజమానుడు పట్టాదారుడు. } పట్టాదారుడు
3. పట్టాదారుడు తన పట్టాలను తీసివేసినట్లయితే పట్టాదారుడు చట్టం, చ. యజమానికి లీజుకు ఇచ్చిన తరువాత పట్టాదారుడు. — —
4. యజమానుడు పట్టాదారుడు (తి పట్టాదారుడు). — —

పై. పాలకులు తగిలిన న తి. గ్రామములో నమోదు చేయబడినది.
పై. పట్టాలు తగిలిన న తి. గ్రామములో నమోదు చేయబడినది
పాలకులు యొక్క పట్టాలు — —

[illegible] :— 1. [illegible] [illegible] [illegible]

(ఎ) పంటకాలపు పన్నులకు వసూలు తేదీలు నిర్ణయించుట. — —

తన పరిపాలనలోని పదవ సం. ఇ. శ. నాటి నిర్ణయపత్రిక నం. 12 ప్రకారం రాష్ట్రపు తీరువా పన్నులు తీసుకొనుటకు పైచర్యలు జరుపుట కొరకు పంటకాలపు పన్నులు వసూలు చేయు తేదీలు క్రింద పేర్కొనబడినవి. అందులో పేర్కొనబడిన పంటలు పైచర్యలు జరుపుట కొరకు నిర్ణయించిన పంటలు మాత్రమే. 213 పరగణాలకు సంబంధించిన వసూలు నిబంధనలు ఈ పరగణాలకు వర్తించవు. ఇవి పరగణాలకు సంబంధించిన పంటలు మాత్రమే. వీటి వివరాలు పట్టికలో పొందుపరచబడినవి.

పంటలు పండే కాలపు పన్నులు వసూలు చేయు తేదీలు పట్టికలో పొందుపరచబడినవి.

పంటకాలపు పన్నుల వివరాలు				నిర్ణయపత్రికలోని పన్నుల వివరాలు				213 పరగణాలు				కొత్త పరగణాలు			
	రూ.	అ.	పై.		రూ.	అ.	పై.		రూ.	అ.	పై.		రూ.	అ.	పై.
1. పైరు పండే కాలపు పన్నులు	35	-	-	1. పంటలు పండే కాలపు పన్నులు				1. —	-	-	-	1. —	-	-	
2. పంటలు పండే కాలపు పన్నులు	-	-	-												
3. తానాదారుగానున్న (పట్టాగల)				2. పంటలు పండే కాలపు పన్నులు	-	-	-	2. పంటలు	-	-	-	2. —	-	-	-
పట్టాలు పొందిన	-	-	-	3. తానాదారుగానున్న (పట్టాగల)											
పట్టాలు పొందిన	-	-	-		1	-	-	3. తానా, పట్టా, నగదు	2	-	-	3. తానా 2, పట్టా 2, నగదు 3	2	-	-
4. పట్టాలు పొందిన	-	-	-												
5. పట్టాలు పొందిన															
6. పట్టాలు పొందిన minimum	35	-	-	3. పట్టాలు పొందిన	15	-	-	3. —	15	-	-	3. —	15	-	-
పట్టాలు పొందిన															
పట్టాలు పొందిన	-	-	-		-	-	-								
4. పట్టాలు పొందిన	35	-	-	4. పట్టాలు పొందిన				4. —	-	-	-	4. —	-	-	-
2. పట్టాలు పొందిన	-	-	-	2. పట్టాలు పొందిన	-	-	-	2. —	-	-	-	2. —	-	-	-
3. పట్టాలు పొందిన	-	-	-	3. పట్టాలు పొందిన	-	-	-	3. —	-	-	-	3. —	-	-	-
5. పట్టాలు పొందిన	-	-	-	5. పట్టాలు పొందిన				5. —	-	-	-	5. —	-	-	-
10. పట్టాలు పొందిన	-	-	-	10. పట్టాలు పొందిన				10. —	-	-	-	10. —	-	-	-
11. పట్టాలు పొందిన	-	-	-												
మొత్తము	75	0	-	మొత్తము	12	0	-	మొత్తము	12	0	-	మొత్తము	12	0	-
తానాదారుగానున్న పట్టాలు				తానాదారుగానున్న పట్టాలు				తానాదారుగానున్న పట్టాలు				తానాదారుగానున్న పట్టాలు			
పట్టాలు పొందిన	-	-	-	పట్టాలు పొందిన	-	-	-	—	-	-	-	—	-	-	-
పట్టాలు పొందిన	-	-	-	పట్టాలు పొందిన	-	-	-	—	-	-	-	—	-	-	-
పట్టాలు పొందిన	-	-	-	పట్టాలు పొందిన	-	-	-	—	-	-	-	—	-	-	-
తానాదారుగానున్న (పట్టా)				తానాదారుగానున్న (పట్టా)				తానా, పట్టా, నగదు	2	-	-	తానా 2, పట్టా 2, నగదు 3	2	-	-
పట్టాలు పొందిన (పట్టా) పట్టాలు పొందిన (పట్టా).	-	-	-	పట్టాలు పొందిన (పట్టా). తానా, పట్టా, నగదు	1	0	-								
మొత్తము	75	0	-	మొత్తము	15	0	-	మొత్తము	15	0	-	మొత్తము	15	-	-

[illegible]

Sd/- N. B. Sadashivalli.
[illegible]

(seal)

Sd/- T. B. Shamubhag.
[illegible]
21-1-44.

[illegible]: — Sd/- S. S. Halimath.
Advocate.

[illegible]: — Sd/- C. G. Hommapurmath.
pleader.

[illegible]: —

[illegible]: — Sd/- S. R. Malapur.
Pleader.

[illegible]

(సంతకం) [illegible]

Copied by.
[illegible]
Compared by
[illegible]
C.S.

"True copy"
[illegible]
Clerk of the Court.

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109

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Clerk of the Court.

The date on which it was ready for delivery 21st day of February 1944. (Twenty first)

Clerk of the Court.

~~The date on which it was delivered or sent by post~~ 21st day of March 1944

Clerk of the Court.

49+25×2
1-7-0
0-5-0
0-1-0
1-11-0

1-5-0
0-1-0
1-11-0.

మదనపల్లి తాలూకా కోర్టు (సి.సి. నం. ఇ, 2).

(వాదులు సంబంధం గా, పరిష్కరించిన, శిక్షించిన.]

కుటుంబ యజమానురాలు

—— — ——

నేను

ప్రతివాదులకు గానిపించుకొనుట కు సి.సి. కోడ్ లోని నిబంధన 33 ప్రకారం

యజమాని యజమానురాలు అగు

ఆం.26.11 దినాంకమున మరణించిన సంబంధము 33వ నిబంధనకు చేర్పు.

1. పైన పేర్కొన్న కోడ్ లోని 1 మరియు 2 నిబంధనలు ఇట్లు చదువబడు, ఇట్లు లేదనగా, మరియు 3వ, మరియు 4వ నిబంధనలు చేర్చబడినవి, నూతనమైన నిబంధనలు. —— — —— } అని.

చదువబడి

1. ప్రతివాదులు యజమానురాలి యొక్క బంధువులు ఇరువురు వారసులకు మరియు వారసులకు —— —— ——
2. ప్రతివాదులలో ఒకరు ఒక్కరు మరియు వారసులకు మధ్యలో విభజించి, ఇరువురు వారసులు మరియు వారసులకు, ప్రతివాదులు,
3. ఆస్తి పంపిణీ చేయబడిన తరువాత, ప్రతివాదులు వి.సి. చట్టమునకు లోబడి మధ్యలో విభజించి ప్రతివాదులు. —— ——
4. యజమానురాలి ప్రాంతము (విభజించినది). —— —— } పరిష్కరించినది.

పై. పావలు తాకట్టుపరచిన డి.నూలు మరియు నగదు కొరకు

పై. పైన తాకట్టుపరచిన డి.నూలు మరియు నగదు కొరకు.

పరిష్కరించుట చెల్లదు. —

[illegible] కలవు :— 1. [illegible] వారి [illegible]
[illegible] వారి [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]				[illegible]				[illegible]				[illegible]			
	[illegible]				[illegible]				[illegible]				[illegible]		
1. [illegible]	[illegible]	—	—	1. [illegible]				1. —		—	—	1. —		—	—
2. [illegible]		—	—	[illegible]											
				[illegible]	—	—	—								
3. [illegible]				2. [illegible]				2. [illegible]	—	—	—	2. —		—	—
[illegible]	—	—	—	[illegible]	—	—	—								
[illegible]				3. [illegible]											
[illegible]	—	—	—	[illegible]	1	—	—	3. [illegible]	2	—	—	3. [illegible]	2	—	—
4. [illegible]				[illegible]											
[illegible]	—	—	—	[illegible]											
5. [illegible]				[illegible]											
[illegible]				4. [illegible]				4. —		—	—	4. —		—	—
[illegible] minimum	[illegible]	—	—	[illegible]	—	—	—								
[illegible]															
[illegible]	—	—	—	5. [illegible]	[illegible]	—	—	5. —	[illegible]	—	—	5. —	[illegible]	—	—
6. [illegible]				[illegible]											
[illegible]	[illegible]	—	—	[illegible]	—	—	—		—	—	—			—	

2.				2.				2.				2.				2.	
3.				3.				3.				3.				3.	
4.				4.				4.				4.				4.	
5.				5.				5.				5.				5.	
6.				6.				6.				6.				6.	
7.				7.				7.				7.				7.	
8.				8.				8.				8.				8.	
ಒಟ್ಟು	93	3	-	ಒಟ್ಟು	82	-	-	ಒಟ್ಟು	82	3	-	ಒಟ್ಟು	82	3	-		
ಬಾಕಿ	93	3	-	ಬಾಕಿ	82	-	-	ಬಾಕಿ	82	3	-	ಬಾಕಿ	82	3	-		

ಈ ಪ್ರಕರಣದ ಸಂಬಂಧ ನಿಮ್ಮ ಕಕ್ಷಿದಾರರ ಸಾಕ್ಷಿಯವರನ್ನು ಇಲ್ಲಿಯ ಪ್ರಕರಣದ ಸಂಬಂಧ ಹಾಜರಾಗಲು ಸೂಚಿಸಿ ಅವರು ಇಲ್ಲಿ ಹಾಜರಾಗಿ ಸಾಕ್ಷ್ಯ ಕೊಡಲು ಸೂಚಿಸಿ ಸಮನ್ಸ್ ಜಾರಿ ಮಾಡಿದೆ.

Sd/- N. B. Sadwilkulle
ಹಿರಿಯ ನ್ಯಾ.

(Seal)

Sd/- T. B. Shanabhag
ನ್ಯಾಯಾಧೀಶರು
21-1-44.

ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರು :- Sd/- S. S. Kulimath. Advocate.
ಎದುರಿದಾರರ ಪರ ವಕೀಲರು :- Sd/- C. G. Honnapurmath. Pleader.
3ನೆ ಎದುರಿದಾರರ ಪರ ವಕೀಲರು :- Sd/- G. D. Karmani. Pleader.
4ನೆ ಎದುರಿದಾರರ ಪರ ವಕೀಲರು :- Sd/- S. R. Kulkarni. Pleader.

ಈ ಪ್ರಕರಣದಲ್ಲಿ ಅರ್ಜಿದಾರರು ಕೇಳಿಕೊಂಡಿರುವ ಪ್ರಕಾರ ಎದುರಿದಾರರು ಅವರಿಗೆ ಸೇರಿದ ಒಟ್ಟು ಹಾಗೂ ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಆಸ್ತಿಯನ್ನು ಅಂದರೆ ಒಟ್ಟು (ಭಾಗ) ಮಾಡಿಕೊಟ್ಟು ಪ್ರತ್ಯೇಕವಾಗಿರಲು ಈ ಪ್ರಕರಣದಲ್ಲಿ ಅರ್ಜಿದಾರರು ಕೇಳಿದ್ದಲ್ಲಿ ಈ ಕೆಳಗಿನ ಆದೇಶವನ್ನು ಅರ್ಜಿದಾರರಿಗೆ ಮಾಡಿದೆ (ಅ. ಕಲಂ ಒಟ್ಟು ಆಸ್ತಿ ಮಾಡಿಕೊಡಲಿಕ್ಕೆ ಅಂತ).

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C. S.

"True copy"
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Clerk of the Court.

The date on which the copy was applied for 14th February 1944

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Clerk of the Court

The date on which it was ready for delivery 16th February 1944

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The date on which it was delivered to the applicant 16th February 1944

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Sd. N. B. Sowrikalle
Karkun

Sd. S. S. Mallikarjun
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Sd. S. R. Malapur
21/44 [illegible]

Seal

Sd. T. B. Shamlikar
First Class Subordinate

Sd. V. G. Salamani 21/44.
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Sd. [illegible] G. Siregoudar
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This Deed is made on the 13th day of the month of March 1964 (Sixteenth day of March)

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Sd/- B. Saswihalli

Sd/- J.B. Shanbhag
Subordinate Judge
21-1-44

Sd/- S.S. Malimath
Sd/- G. Hanaparmath

Sd/- S.P. Malapur
Honorable Advocate
21-1-44

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Checked by
Read by
Compared by

"True Copy"
16/3/44
Clerk of the Court.

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123

Suits.

Dharwar.

For a declaration that the plaintiffs' rights to attendance allowance abolished from 1st December 1930 still subsist and that the Action of the Defendants is ultra vires, illegal and unjustified etc.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 3999
Bombay Castle, 5th June 1944.

Slip. 5.

Read Government Resolution, Legal Department, No.3716, dated the 20th May 1943.

P. 1.

Letter from the District Government Pleader, Dharwar, No.722, dated the 18th January 1944 - Stating that the suits noted in Appendix A were decided by the First Class Sub-Judge, Dharwar on 17th January 1944, when the following order was passed:-

x. P. 14.

" Suit is dismissed and the parties are ordered to bear their own costs."

P. 3.

Letter from the District Government Pleader, Dharwar, No.154, dated the 23rd May 1944 - Stating that the certified copies of the judgment and the decree have been sent along with the bills on 24th March 1944.

P. 4.

RESOLUTION.- The results of the suits are recorded.

By order of the Governor of Bombay,

R Ratnaker

(P. N. MOOS,
For (Secretary to Government.

original.

To

The Educational Department;

The Commissioner, S.D.;

The Director of Public Instruction, Poona;

The Collector of Dharwar.

for signature.
1/6/44.
P.A.
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issued
AN
5-6

Appendix 'A

Dharwar Civil Suit No.323/42.

Chinnayya Chanveerayya Hiremath. - - Plaintiff

Versus

1). The Dharwar Municipal Borough
2). The Local Authority, Municipal School Board.
3) The Administrative Officer, Local Authority Municipal School Board
4) The Province of Bombay

- Defendants.

- - ** - -

Dharwar Civil Suit No.324/42.

Annaji Narsinha Nariboli. Plaintiff

Versus

1) The Dharwar Municipal Borough
2) The Local Authority Municipal School Board.
3) The Administrative Officer, Local Authority Municipal School Board.
4) The Province of Bombay.

Defendants.

- - ** - -

Dharwar Civil Suit No.325/42.

Fakirayya Basayya Chikkmath - - Plaintiff

Versus

1) The Dharwar Municipal Borough
2) The Local Authority Municipal School Board.
3) The Administrative Officer, Local Authority Municipal School Board.
4) The Province of Bombay.

Defendants.

- - ** - -

Dharwar Civil Suit No.326/42.

Yeshodabai Kom. Sumant Bhaskar. - - Plaintiff

Versus

1) The Dharwar Municipal Borough.
2) The Local Authority Municipal School Board.
3) The Administrative Officer, Local Authority, Municipal School Board.
4) The Province of Bombay.

Defendants

- - ** - -

Dharwar Civil Suit No.327/42.

Karvirappa Basappa Mummigatti Plaintiff

Versus

1) The Dharwar Municipal Borough
2) The Local Authority, Municipal School Board.
3) The Administrative Officer, Local Authority, Municipal School Board.
4) The Province of Bombay.

Defendants.

- - ** - -

Dharwar Civil Suit No.328/42.

Savitrevva Kom. Rudrayya Hosmath. Plaintiff

Versus

1) The Dharwar Municipal Borough
2) The Local Authority Municipal School Board.
3) The Administrative Officer, Local Authority Municipal School Board

Defendants.

Dharwar Civil Suit No.329/42.

Mallavva Kom Mallappa Moti. - - Plaintiff

Versus

1) The Dharwar Municipal Borough
2) The Local Authority, Municipal School Board
3) The Administrative Officer, Local Authority Municipal School Board.
4) The Province of Bombay.

Defendants

- - ** - -

Dharwar Civil Suit No.330/42.

Raago Ramchandra Katti. Plaintiff

Versus

1) The Dharwar Municipal Borough
2) The Local Authority, Municipal School Boards
3) The Administrative Officer, Local Authority Municipal School Boards.
4) The Province of Bombay.

Defendants.

- - ** - -

Dharwar Civil Suit No.331/42.

Basappa Ulvappa Bellakki . Plaintiff.

Versus

1) The Dharwar Municipal Borough
2) The Local Authority, Municipal School Board.
3) The Administrative Officer, Local Authority, Municipal School Board.
4) The Province of Bombay.

Defendants.

- - ** - -

Dharwar Civil Suit No.332/42.

Hanamantappa Fakirappa Sunagar. - - Plaintiff.

Versus

1) The Dharwar Municipal Borough
2) The Local Authoruty, Municipal School Board.
3) The Administrative Officer, Local Authority Municipal School Board.
4) The Province of Bombay.

Defendants

- - ** - -

Dharwar Civil Suit No.333/42.

Ramchandra Venkatesh Bhat. Plaintiff

Versus

1) The Dharwar Municipal Borough
2) The Local Authority, Municipal School Board.
3) The Administrative Officer, Local Authority Municipal School Board.
4) The Province of Bombay.

Defendants.

- ** - -

Dharwar Civil Suit No.334/42.

Dhondubai Basavantrao Chavan Plaintiff.

Versus

1) The Dharwar Municipal Borough
2) The Local Authority, Municipal School Board.
3) The Administrative Officer, Local Authority, Municipal School Board.
4)The Province of Bombay.

Defendants.

- - ** - -

Dharwar Civil Suit No.335/42.

Jainabbi Kom Madarsaheb Babarchi, Plaintiff.

Versus

1) The Dharwar Municipal Borough
2) The Local Authority, Municipal School Board
3) The Administrative Officer, Local Authority

Municipal School Board
4) The Province of Bombay.) Defendants.

- - ** - -

Dharwar Civil Suit No.348/42

Sushilabai Muttalgiri - - Plaintiff
Versus
1) The Dharwar Municipal Borough)
2) The Local Authority, Municipal School Board.)
3) The Administrative Officer, Local Authority, Municipal School Board.) Defendants.
4) The Province of Bombay.)

- - ** - -

Dharwar Civil Suit No.349/42.

Narayan Swamirao Chitaguppi - - Plaintiff
Versus
1) The Dharwar Municipal Borough)
2) The Local Authority, Municipal School Board.) Defendants.
3) The Administrative Officer, Local Authority, Municipal School Board.
4) The Province of Bombay.)

- - ** - -

Dharwar Civil Suit No.365/42.

Girijabai Kom. Gangadharrao Kamkar. Plaintiff
Versus
1) The Dharwar Municipal Borough)
2) The Local Authority, Municipal School Board. Defendants.
3) The Administrative Officer, Local Authority, Municipal School Board)
4) The Province of Bombay.)

- - ** - -

Dharwar Civil Suit No.366/42.

Nagappa Laxmappa Dharwarkar. - - Plaintiff.
Versus.
1) The Dharwar Municipal Borough)
2) The Local Authority, Municipal School Board.
3) The Administrative Officer, Municipal School Board. Defendants.
4) The Province of Bombay.)

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Submitted after issue.
Stt. 6/6. File. S, Dist, 6/43

A.P.A.
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7/6/44